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LEGISLATIVE BRANCH APPROPRIATIONS FOR 2010

HEARINGS

BEFORE THE

COMMITTEE ON APPROPRIATIONS

HOUSE OF REPRESENTATIVES

ONE HUNDRED ELEVENTH CONGRESS

FIRST SESSION

SUBCOMMITTEE ON LEGISLATIVE BRANCH

DEBBIE WASSERMAN SCHULTZ, Florida, *Chair*

MICHAEL HONDA, California
BETTY McCOLLUM, Minnesota
TIM RYAN, Ohio
C.A. "DUTCH" RUPPERSBERGER, Maryland
CIRO RODRIGUEZ, Texas

ROBERT B. ADERHOLT, Alabama
STEVEN C. LaTOURETTE, Ohio
TOM COLE, Oklahoma

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.

MICHAEL STEPHENS, *Staff Assistant*

PART 2

FISCAL YEAR 2010 LEGISLATIVE BRANCH APPROPRIATIONS REQUESTS

Printed for the use of the Committee on Appropriations

LEGISLATIVE BRANCH APPROPRIATIONS FOR 2010—Part 2

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LEGISLATIVE BRANCH APPROPRIATIONS FOR 2010

WEDNESDAY, APRIL 22, 2009.

U.S. CAPITOL POLICE

WITNESSES

PHILLIP D. MORSE, SR., CHIEF OF POLICE, U.S. CAPITOL POLICE
DANIEL NICHOLS, ASSISTANT CHIEF OF POLICE, U.S. CAPITOL POLICE
GLORIA JARMON, CHIEF ADMINISTRATIVE OFFICER, U.S. CAPITOL POLICE

OPENING REMARKS—CHAIR WASSERMAN SCHULTZ

Ms. WASSERMAN SCHULTZ. Good afternoon. Welcome to the first budget hearing for the Legislative Branch Subcommittee on appropriations. We will, over the course of the next 3 weeks, be proceeding with five more sessions with other congressional agencies, and our hope is to move to a markup of the bill in the early part of June. Chairman Obey and leadership are strongly committed to producing signed bills before the beginning of the fiscal year on October 1. I personally am fully supportive of that goal, and intend to do everything in my power to avoid being in a continuing resolution next year. Famous last words.

This afternoon we will cover both the Capitol Police regular 2010 request and the 2009 supplemental request for the radio system upgrade. Each of these requests presents serious issues for the Members in a very challenging fiscal climate. We are going to have to look very closely at the new radio request.

Chief, we have a number of questions for you to burrow down into your request. This is a proposal that has been considerably refined over the course of the last year, at the committee's direction. The final system's designs as well as cost and procurement strategies will have to be fully discussed this afternoon.

Both GAO's and our own investigative staff review of the radio upgrade indicate that the new system is needed, and that the cost estimates are now much improved. We have literally gone from $35 million, without very much of a plan or good direction in terms of the best way to go, to almost $100 million, but with a much clearer direction and a more well-developed plan, which we will have an opportunity to question you about.

The immediate question to the committee is the issue of timing. And that is the need for the new radio system, is it sufficiently urgent that it needs to be part of the supplemental, or is it more appropriate that it remain in the 2010 request as originally proposed?

Your 2010 request, excluding the radios, is also pretty challenging. At $338 million, your budget for core Capitol Police operations is $32 million, or about 11 percent above the 2009 enacted level. Just speaking for myself, I don't really see how we are going to do that, realistically. This is a challenging fiscal environment, and we are going to really continue to have to go with the got-to-haves, not the would-like-to-haves.

The most important proposal in the 2010 request is for approval to add 137 new positions. That would increase the force to 2,369 FTEs. I think there is strong evidence that the force needs additional officers. There also seem to be significant problems with how current staff are deployed.

This committee is going to scrub the 2010 request very thoroughly, starting with a review of perennial issues such as overtime, personnel utilization and personnel planning.

We look forward to discussing these issues with you today and working with you, as always, to produce the best bill possible to make sure that we can live within the resources we have and allow you to protect the Capitol visitors and employees who spend time here every day.

I want to remind the Members that while they may ask the Chief questions at any time, I would like to concentrate in the beginning part of the question period on the supplemental radio request, and then move to the 2010 request.

Mr. Aderholt, I yield to you for any remarks you may have.

OPENING REMARKS—MR. ADERHOLT

Mr. ADERHOLT. Thank you, Madam Chair. It is a pleasure to be here and to be on this subcommittee. I look forward to working very closely with you and I think in a bipartisan manner. I know the history of this committee has operated in a very bipartisan way, a tradition, and so I look very much forward to continuing that.

Excluding the Senate items with a $640 million increase, or 14.5 percent increase, we have our work cut out for us over the next few months as we go through the hearing process and mark up the House bill. I agree with you that we will not be able to sustain such a large increase in 2010, and that we are going to have to work with agencies to ensure that we are providing their essential needs.

That being said, I would like to join you in welcoming Chief Morse and Assistant Chief Nichols here this afternoon.

Chief, I commend you on the service that you perform here at the Capitol and this institution.

And also, Ms. Jarmon, good to have you here as well. Thank you for being here.

I would certainly be remiss if I didn't just take a moment and say thanks to all the officers, sworn and civilian, that do their job on a day-to-day basis to keep this place safe—keep the Members safe, staff, and, of course, the visitors that are here day to day visiting or whatever the case may be, whether they are here for business, or whether they are here for just sightseeing tours.

This being my first time serving on this subcommittee, I am taking the time to try to learn the issues and go through them system-

atically. I would like to go on record saying that I do support the need for an improved Capitol Police radio system. I have been brought up to speed on the situation of what it has been in the past and understand the need for that.

As with most emergency response equipment, I understand the need for an upgrade, as the current system is over 20 years old. Two years ago, under Mr. Wamp's encouragement and your support, $10 million was successfully added to the supplemental to start up the cost for the upgrade. And I understand there has been much discussion this past year on the appropriate level of funding needed to successfully implement this project.

So I look forward to hearing your testimony today and look forward to working with you in the future and in the coming weeks and months as we work on these issues.

Thank you very much.

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

Do any other Members wish to make any remarks at this time? If not, Chief, we have your statement and it will be entered into the record at this time. Please proceed with a 5-minute summary. Welcome to the committee.

OPENING STATEMENT—CHIEF MORSE

Chief MORSE. Thank you, Madam Chair, Mr. Aderholt, and members of the committee. Again, I am honored to be here to present my testimony to you. With me today, as you have acknowledged, is Assistant Chief Nichols. Our Chief of Operations is to my right and, to my left, my Chief Administrative Officer, Gloria Jarmon.

Over the past several years, the Department has undergone many changes. While many of these things were necessary to move the Department forward, I believe that our focus for the next fiscal year will be one of leveling out our operational and administrative activities. My direction to my management team is to focus on institutionalizing standard and repeatable business practices, finding efficiencies, and addressing longstanding deficiencies to meet the Department's core mission set.

PROGRESS ON GAO AND OIG RECOMMENDATIONS

I would like to take just a few minutes of your time to highlight some of our accomplishments this past year. The GAO and the Office of Inspector General have made over 169 recommendations since 2005, and they were intended to improve the Department's operations, and most of these are geared toward our administrative operations.

I am pleased to report to you today that we have, again, made significant progress. We have now closed over half of all these recommendations, and this is despite the additional 40 recommendations in this past year alone. We currently have just 85 of the 169 still open, and we are in the process of implementing corrective actions to close these in the very near future.

Recently we closed 16 OIG recommendations dealing with property management and the memorial fund, hiring standards, and the student loan repayment program, and we are also anticipating closing many GAO recommendations in the coming months.

We believe we are beginning to get ahead of the curve on improving our administrative operations, and while we realize we have a lot more work ahead of us, we anticipate more improvements as the year proceeds.

FINANCIAL MANAGEMENT ADVANCES

Some of the best progress that we have made in the past year has been in the financial management arena. In order to achieve these results, we focused on the hiring of a chief financial officer, a deputy chief financial officer, a budget officer, a deputy procurement officer, as well as several other well qualified employees in professional positions within the Office of Financial Management. I would like to recognize them because most of them are sitting behind me.

The professional administration oversight that has come from these individuals, as well as many others of the professional and technical civilians in our department, has enabled us to begin to institutionalize an administrative operation in the U.S. Capitol Police that will be as responsive, accountable, and transparent as any Federal agency.

ACCOMPLISHMENTS WITHIN PAST YEAR

I would like to just go over some of the Department's accomplishments and enhancements this year. The Department filed fiscal year 2008 financial statements in time for a complete independent audit, which resulted in the Department receiving a clean opinion on our financial statements for the first time in our Department's history. We recently received reaccreditation from the Commission on Accreditation for Law Enforcement Agencies after undergoing an extensive on-site evaluation to review the documentation that verifies that we have maintained compliance with standards over a 3-year accreditation process.

We issued our updated Strategic Plan and our Strategic Human Capital Plan, which will improve our ability to link our human resources programs to our strategic goals, and also enable us to measure our staffing needs and progress with much more efficiency and in an effective manner.

We implemented effective business practices and internal controls into our financial, human resources, facilities, and information technology operations. We reconciled our financial management and property management systems and performed a complete physical inventory.

We aligned our salary and benefit data with the National Finance Center; we revised our budget justification to incorporate strategic objectives, accomplishments, and schedules consistent with executive and other legislative branch agency budgets.

So we took our homework very seriously, Madam Chair, and we have a great team. We have made tremendous progress in all areas, both administrative and operationally, and I want to thank my employees for that.

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

Ms. WASSERMAN SCHULTZ. Thank you very much, Chief Morse.

[Chief Morse's prepared statement follows:]

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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

April 22, 2009

Madam Chair, Ranking Member Aderholt, and Members of the Committee, I am honored to be here to testify before you today. With me today are Dan Nichols, our Chief of Operations, and Gloria Jarmon, our Chief Administrative Officer.

Over the past several years, the Department has undergone many changes. While all of these were necessary to move the Department forward, our focus for the next fiscal year will be one of "leveling out" our operational and administrative activities. My direction to my management team is to focus on institutionalizing standard and repeatable business practices, finding efficiencies, and addressing longstanding deficiencies to meet the Department's core mission set. To do so, we have developed a budget proposal that I believe meets my vision.

Our total budget request for Fiscal Year (FY) 2010 is $410.1 million. This represents a requested increase of $104.3 million. Of this increase, about 69% or about $71.6 Million is for modernization of our radio system and 20% or about $18 million is for items over which we have no control such as cost of living and salary adjustments, costs associated with the merger of the Capitol Police with the Library of Congress Police, plus uncontrollable inflation increases. The remaining portion of our requested increase is primarily to cover additional positions to help us reduce the overtime that we need to properly cover everyday post requirements, as well as to address the lifecycle replacement of systems that have been deferred in previous fiscal years. Due to the time critical nature of the radio modernization project, we have also requested that the same $71.6 million be included in the President's FY 2009 Supplemental Request.

I would like to take a few minutes to expand on some of these areas and provide you with the highlights for some of our accomplishments over the last year.

Radio Modernization Project:

First, let me address our request for funding to support the new radio system. There are three critical life and safety tools that our officers need in the performance of their duties. They are reliable radio communications, weapons, and protective equipment. The radio system currently in use is the only one of these three that we believe may present an unacceptably high risk to the life and safety of our officers, Members of Congress, their staff, family, and visitors, as well as to our ability to properly respond to emergency

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situations on Capitol Hill. Since the attacks of 9/11, the threat posed to the Congress, the Capitol, and the Complex has changed significantly. It has become much more critical for us to have reliable radio communications that provide for interoperability between the Department and our other federal, state and local law enforcement partners in the area. As the scope of this increased threat on the Congress has evolved, it has become increasingly apparent that our current radio system, which is over 20 years old and experiencing multiple regular failures, is not capable of providing the reliable communication capability that we need.

In addition, we have recently received notice from the manufacturer of our dispatch consoles that they will no longer be providing us technical support because of the age of our equipment. These circumstances create a substantive risk to our ability to properly carry out our mission, especially during a time of emergency. Increasing that risk is our lack of an interoperable system able to communicate with other first responding organizations such as the Secret Service, the Metropolitan Police, the Metropolitan Fire Department and the U. S. Park Police. We believe this risk to be significant and immediate. Another area of vulnerability is the lack of encryption for our current radio system. This lack of encryption enables our adversaries, the press and others to monitor our radio transmissions, which has potential to compromise our mission.

To address this risk, the U.S. Capitol Police plans to procure a VHF trunked radio system in order to achieve adequate on street, in-buildings, garages, basements and in-tunnels radio coverage throughout the Capitol Complex as well as our extended area of operation. Therefore, we are requesting a total of $71.6 million in multi-year funding for this project.

Because of the criticality of this requirement, we have expedited our request for this funding by asking that it also be included in the President's FY 2009 Supplemental Request. The sequence that we would otherwise follow would require us to complete the detailed design and hopefully obtain funding in FY 2010, and then procure the necessary equipment and services. If funding is delayed (by a CR, for example) due to circumstances beyond our control we would need to suspend procurement activity until such time as funding could be made available, and that would slip project completion dates accordingly.

If we could get supplemental funding in FY 2009 rather than in FY 2010 it would permit us to begin the acquisition process for segments of the project as soon as the detailed engineering design is completed for each segment rather than having to delay all procurement activities until we are able to obtain funding in FY 2010. By doing so we could begin to roll out these segments much sooner than we would otherwise be able to do and consequently may be able to shave several months off the time required to fully implement a new system. Given the increased risks associated with the continued problems we are experiencing with an aging system, we believe it prudent for us to expedite our new system implementation as much as we can.

We believe that the nature of the radio modernization project comports with the intent of emergency supplemental bills, which frequently fund "pressing domestic needs." This new system is critical to our ability to effectively address anti-terrorism, and the continuity of government operations. The initial funding of $10 million for this project was provided in the FY 2007 emergency supplemental bill because of the urgency associated with beginning the planning and detailed engineering design of the new

system as quickly as possible. We believe that urgency still exists and justifies our request that funding for the project be included in the pending supplemental.

The requested amount of $71.6 million for the radio project includes $4 million for the build out or construction of a mirror or alternate site; $31.1 million for equipment hardware costs; $20.1 million for subscriber equipment; $9.9 million for travel equipment, encryption, and professional services; and $6.5 million for contingency funds for unforeseen conditions with strict controls on the use of such funds. However, the Department's funding requirements for a new radio system are estimated at $89.6 to $97.6 million, which includes the $10 million previously provided by the Congress for this purpose and the $71.6 million included in this request. The remaining $8 to $16 million, which is expected to be requested in FY 2011, relates to the indoor coverage requirements, which cannot be finalized until after the completion of the design engineering, plus project contingency requirements.

The Department has evaluated a number of alternatives regarding how to proceed with this critical procurement. We have also sought the advice of various independent experts, who have advised us to enlist the project management and related services of an outside government agency with considerable expertise in technical procurements of a similar magnitude. For this reason, we have established an interagency agreement with the Naval Air Systems Command (NAVAIR). NAVAIR's Special Communications Requirements Division has accomplished numerous communications efforts for other U.S. government agencies, to include the White House Communications Agency, the U. S. House of Representatives, the U.S. Senate, the Department of Homeland Security's Office of Emergency Communications and various other classified efforts.

For this effort, they have already begun to develop a detailed design engineering study of each building, garage, tunnel, and outdoor site so we will have complete technical specifications for the project once we have the funding and are ready to proceed.

Overtime/Staffing:

Our other area of requested growth is related to additional sworn personnel, whom we would use to help us reduce the Department's dependence on overtime in meeting our normal mission requirements. Over the last year, we have continued to analyze and evaluate posts and other staffing needs and have concluded that we could increase operational efficiency through the addition of sworn personnel.

The Department has continued to approach its sworn manpower requirements through a three-pronged approach. This approach includes the assessment of threats against the Capitol Complex using the risk matrix we designed in collaboration with the Government Accountability Office, the physical security surveys we have conducted on the Capitol Complex buildings under our jurisdiction, and the alignment of available sworn staff to meet the threats.

The Department began the first step in this effort in FY 2007 with a review of our overtime utilization in relation to mission requirements. The review resulted in a manpower study that was performed for us by Enlightened Leadership Solutions (or ELS).

We have begun to use the ELS study as a guiding management tool for the alignment of functions and the deployment of personnel, but this study does not represent a complete analysis of our sworn manpower requirements. We will also need to assess the staffing requirements for the Library of Congress and Capitol Visitor Center, since these missions were added subsequent to the completion of the ELS study. As a result, we are continuing to analyze ELS data, current threat assessment data and the ability of our infrastructure to support sworn growth, in order to establish and validate an appropriate staffing level for the Capitol Police, as well as an appropriate level of overtime. We expect this analysis to be completed no later than our FY 2012 budget submission. In the meantime, we believe that our FY 2010 sworn staffing request represents a reasonable first step toward the proper balance of overtime and full-time sworn staff and can be supported within our current infrastructure.

This year's request is an important step in an ongoing evaluation that we will use to identify an overtime level that will be balanced and more efficient.

New Sworn Positions

Therefore, we have requested an increase of 89 sworn positions in FY 2010, which includes 76 to help us to fulfill our current mission while enabling us to begin reducing our use of overtime. The other 13 sworn positions are requested in our Protective Services Bureau for counter surveillance and investigative intelligence gathering in order to conduct basic surveillance detection and field collection operations across the Complex. This will bring the sworn positions to 1888 by the end of FY 2010.

Our plan is for the new sworn officers we are requesting to enable us to reduce the amount of overtime worked by most of our sworn positions once recruit training is completed. Of course, there will always be a need for overtime to cover uncontrollable protective details of Members and certain intermittent work requirements, such as scheduled events like the 4th of July celebration. In addition, unpredictable overtime to support events, such as unplanned late Congressional sessions, Congressional delegations, unplanned special events, unplanned major demonstrations, and emerging threats, will also be needed. Scheduled and unscheduled events such as these will continue to be staffed by using overtime, as they reasonably should be.

New Civilian Positions

In FY 2010, we have also requested 48 new civilian positions. Twenty-one of these positions are for civilian employees who were formerly LOC officers, transferring to the USCP as a result of the Capitol Police and Library of Congress Police Merger. Several of the remaining positions would eliminate our need to use contractors to accomplish critical mission sets, as well as to address outstanding audit findings. Additionally, four of these positions are to support the Department's Office of the Inspector General.

<u>Highlights:</u>

We recognize that our requested salaries and general expenses increases are significant in today's fiscal environment, but we believe these funds are critical to the Department's ability to efficiently, effectively and - most importantly - safely perform our mission.

However, I believe that when an agency is making such a request for increased budgetary consideration, we must also demonstrate to you the value we bring to the overall community. Therefore, I would like to provide some brief highlights of these operational and mission support efforts to you.

Over the last year, the Department has made significant efforts to review its operations for efficiency, standardize its business practices, address its management and fiscal shortcomings and address outstanding audit recommendations and findings. During this same period, we also provided law enforcement operations for a number of high profile activities, while continuing to provide for the safety and security of the Capitol Complex.

Operational Activities:

Nearly 400 officers and support staff participated in the law enforcement and security activities associated with the Republican and Democratic Conventions. These efforts included dignitary protection and protective intelligence.

The Department played a key role in the planning and execution of the law enforcement support for the 56th Presidential Inauguration. By any measure, the Inauguration of President Barack Obama was historic with an unprecedented 1.8 million people gathered to witness and experience this historic event.

In addition:

- We provided security and counter-intelligence support for 63 Head of State arrivals, 34 Presidential and Vice Presidential Motorcades, the State of the Union, the Papal Visit, the 2008 Concert Series and over 2,000 VIP arrivals to include Supreme Court Justices, Cabinet Members and other U.S. and foreign dignitaries.

- We screened 8.7 million staff and visitors to the Complex, including the Capitol Visitor Center (CVC) that opened in December 2008.

- As a result of law enforcement actions, we confiscated several handguns, an AK-47, a number of .22 Caliber Rifles, shotguns, a BB rifle, ammunition, a sword, a night stick, several knives, a bayonet, a machete, a hatchet, a stun gun, metal pipes, grenades, pepper spray, mace, box cutters and razor blades, a sling shot, a table leg and a baseball bat.

- We conducted over 163,000 K-9 security sweeps.

- We screened over 32,000 vehicles at our offsite facility.

- We conducted over 24,000 Transportation Interdiction Group Emergency Response Team (T.I.G.E.R.) vehicle screenings, which resulted in 11 vehicles being refused access to the Complex, 3 arrests and 104 citations.

- We conducted 3,500 foundation checks of the buildings on the Complex utilizing the Department's mountain bike patrols yielding 9 arrests, and 532 Notices of Interest.

- We conducted 3,800 hazardous materials/weapons sweeps and responded to over 150 suspicious package and substance incidents.

- We conducted 90 emergency evacuation drills in conjunction with the House, Senate and the Architect of the Capitol to ensure that the Congressional Community is trained to respond to emergencies.

- We completed 5,664 preventative maintenance checks on security equipment, up from 2,229 checks in 2007, partially due to delays in lifecycle replacement.

- We completed 7,172 checks on Barriers, up from 2,263 in 2007, partially due to delays in lifecycle replacement.

- We performed 3,697 Magnetometer calibrations, up from 1,997 in 2007, partially due to delays in lifecycle replacement.

Administrative Activities:

Over the last year, we have also provided a significant level of mission support to the overall operational mission, and we improved upon our administrative capabilities.

As you know, both the Government Accountability Office and our Inspector General have made 169 recommendations since 2005 intended to improve the Department's operations, and most of these are geared toward administrative operations. These administrative operations encompass more than just how we manage our finances. The audit recommendations cover how we maintain our physical inventory; how well we control privacy information; how we secure our information systems; as well as how efficiently and effectively we recruit, select, train, and pay our employees. Responding to these recommendations with limited staff has been a challenge for us, but we are pleased to report that we have made significant progress.

We have now closed about half of all these recommendations - this despite the addition of 40 recommendations in the past year alone. We currently have just 85 of the 169 still open and are in the process of implementing corrective actions to close these in the near future. Recently, we closed 16 OIG recommendations dealing with property management, the Memorial Fund, hiring standards, and the Student Loan Repayment Program. We also anticipate closing many GAO recommendations in the coming months. We believe we are beginning to get ahead of the curve on improving our administrative operations, and while we realize we have a lot of work ahead of us, we anticipate more improvement as the year proceeds.

Some of the best progress we have made in the past year has been in the financial management arena. In order to achieve these results, we focused on the hiring of a Chief Financial Officer (CFO), Deputy CFO, Budget Officer, Deputy Procurement Officer, as well as several other professional positions within the Office of Financial Management. The hiring of these highly qualified managers allowed the Department to benefit from their experience, talent, knowledge and understanding, along with a high level of integrity that is critical to agency operations. They have federal – as well as considerable legislative branch – expertise, and we are optimistic that with this team we

can establish the practices, policies and procedures that (as this Committee has noted in the past) we have been lacking. The professional administrative oversight from these individuals, as well as the many other professional and technical civilians within the Department, has enabled us to begin to institutionalize an administrative operation in the U.S. Capitol Police that will be as responsive, accountable, and transparent as any in the federal government.

To this end, we have recently completed classes in appropriation law for all of the Department personnel who have any impact on appropriated funds. This makes it the perfect time for us to continue to examine our procurement and budgeting standard operating practices to ensure we comply with all mandates. In addition, we are now ascribing salary data to the Bureaus and Offices that directly benefit, and thus in the future, we will be better able to project salary data and trends. Having tied our strategic goals to spending of our general expenses appropriation in the FY 2010 budget request, we will be able to do this with our salary appropriation, as well, for the FY 2011 budget cycle.

Other administrative accomplishments and enhancements within the past year have included the following:

- The Department produced an FY 2008 financial statement in time for a complete independent audit, which resulted in the Department receiving a clean opinion on our financial statement for the first time in the Department's history.

- We received reaccreditation from the Commission on Accreditation of Law Enforcement Agencies (CALEA) after undergoing an extensive on-site evaluation to review operations and supporting documentation to verify that we have maintained compliance with standards over the three year accreditation review period. This confirmed the fact that we achieved mandatory compliance for all of the almost 300 accreditation requirements and resulted in the Department receiving its third accreditation award.

- We issued our updated Strategic Plan and our Strategic Human Capital Plan which will improve our ability to link our human resources programs to our strategic goals and enable us to measure our staffing needs and progress much more efficiently and effectively.

- We implemented effective business practices and internal controls into our financial, human resources, facilities, and information technology operations.

- We reconciled our financial management and property management systems, and performed a complete physical inventory.

- We aligned our salary and benefit data with the National Finance Center budget object codes to be able to respond to Committee requests with more precision.

- We revised our budget justification to incorporate strategic objectives, accomplishments, and schedules consistent with Executive and other Legislative Branch agency budget reports.

Even with these significant achievements, the Department continues to struggle to level off its administrative operations. One of our biggest concerns is the retention of professional talent within our civilian staff that we know to be necessary to move the Department forward. We simply cannot sustain the turnover rates in critical civilian positions that we have experienced in the past. By continuing this level of attrition, we lose far too much in productivity, institutional knowledge and employee morale. We need to be able to provide the same flexibilities for our civilian employees that other federal government agencies provide.

While we have authorization and often funding to provide recruitment and retention bonuses, as well as to administer a Student Loan Repayment Program and tuition reimbursement program, the Department has either not had sufficient program staff onboard to develop, implement and manage a best-practices program for each of these areas, or the onboard staff has been overburdened with workloads necessary to maintain other areas of the Department.

Additionally, we do not have alternate work schedule or telework programs or an incentives awards program that provides for cash and time off incentives, programs for which many federal civilian employees have grown accustomed in their workplace.

All of these factors have contributed to the Department's challenges in recruiting qualified candidates or retaining those we currently have onboard. In fact, during our attempts to fill some of the current civilian vacancies, the process has proceeded to the point of selection, only to have the selectee decline the job offer when they found out that the Department could not offer workplace benefits or quality of life programs similar to those of other federal entities.

To address these challenges, the Department is working on policies to administer these programs in accordance with applicable laws, regulations and consistent with best practices. However, the Department wants to be thoughtful in its rollout, so that the programs are not compromised, which could result in additional audit findings and stakeholder recommendations.

Additionally, we are planning our first all-employee customer satisfaction survey, and have begun regularized exit interviews for terminating employees to better understand how to improve the workplace in order to retain our talented sworn and civilian workforce.

Another area in which we also hope to achieve greater efficiencies is in fleet management. We are completing a comprehensive analysis of our fleet services, including a cost-benefit analysis of leasing versus buying vehicles, which we plan to present to the Committees for funding consideration. This plan will focus on providing justification for the fleet requirements, demonstrating areas where we have reduced or plan to reduce the fleet, and it will provide for a 5-year fleet management plan to meet the validated fleet requirements. This plan will also address our efforts to make the fleet more energy efficient.

Conclusion:

In conclusion, I believe that there is much work left to be undertaken, but we expect that the combined efforts of many of our dedicated staff will result in the continued transformation of the Department into a more efficient and accountable organization.

Recognizing that the Committees have expressed concerns over the last several years about the Department's leadership, internal controls, and financial management, we have placed significant emphasis on addressing these shortcomings.

Under the leadership of Gloria Jarmon, the Department achieved a clean opinion on its financial statements two years earlier than expected; our Office of Financial Management has become more efficient and it has achieved staffing stability; we have addressed numerous oversight studies and inquiries; we have developed a comprehensive plan to procure and implement a new radio system; we have redesigned our budget development and execution processes; we have completed appropriations law training for all Department personnel who have any impact on appropriated funds; and we have resolved numerous audit and oversight findings and recommendations.

On our Operational side, under the leadership of Dan Nichols, the Department has continued our efforts to find efficiencies in sworn staffing and the utilization of those personnel resources. This effort has resulted in a savings in the Department's overtime utilization.

All these achievements have been accomplished while supporting the operational mission of protecting the Capitol Complex, providing security for two national political conventions and supporting a Presidential Inauguration of historic size and capacity.

It is through this leadership and the dedication of our employees that the Department has been able to realize these achievements, even with a large number of civilian vacancies and under a continuing resolution. With a continued focus on addressing our civilian staffing needs, balancing the optimum sworn personnel levels against overtime requirements and resolving audit recommendations and findings, I believe that the next year will see even greater efficiencies and effectiveness from our team.

I believe that our FY 2010 budget request supports the goals I have stated here today. Please be assured that this management team, with the continued support of the Capitol Police Board and our stakeholders, is committed to moving the Department forward to meet these operational and administrative goals.

I am happy to answer any questions you may have.

SHARED RADIO SYSTEM

Ms. WASSERMAN SCHULTZ. I know I have quite a few questions, and we are going to spend the majority of this hearing on the Capitol Police budget, and we will probably take about 20 or 30 minutes or so to do GPO.

The request for the upgrade of the radio system has been in front of this committee for a couple of years now, and originally my concern was that when you first made your presentation, it was one I felt was very broad, very general, and I didn't have enough confidence that the $35 million request was all that we would ever see. And especially given that we were in the middle of trying to finish up the CVC and deal with a number of years of cost overruns and timing overruns, I felt it was important for us to make sure we had an absolute handle on the costs and the plans for this upgrade. So that is why we had the S&I staff of the Appropriations Committee work with you. And I think we are in a much stronger position now, and clearly as we move forward with these plans, while the amount of the cost of the upgrade has gone up, it is more clear what the needs are, and I think you have the opportunity to implement a more effective system.

One open question that is still there is whether a shared system working with another agency or law enforcement agency would be beneficial both in terms of system performance as well as cost. To my knowledge, we haven't been able to identify a Federal agency system that really will work with the Capitol Police needs. So basically are we at the point where a shared system is off the table?

Chief MORSE. Yes.

Ms. WASSERMAN SCHULTZ. Okay. Why?

Chief MORSE. Well, the uniqueness of what we do, the ability to use this system not only just for the police department's use, but the legislative branch operations, the continuity of government, we need to be able to control the activity on this radio. We need to have the priority of this system. And the uniqueness of the system is one that only really fits us.

The criticality is there to be able to communicate with these other law enforcement agencies during a critical incident situation. But to rely on another agency for a radio system is not something that we feel comfortable with or think is most appropriate for our mission.

PROGRESS OF RADIO SYSTEM UPGRADE

Ms. WASSERMAN SCHULTZ. Can you just take us through where we are in terms of the proposed upgrade? We have a lot of new Members on the subcommittee, and they don't have the history that some of us do.

Chief MORSE. Where we are currently is we are in——

Ms. WASSERMAN SCHULTZ. The need for the upgrade, what the urgency is, that kind of thing.

Chief MORSE. Sure. There are really three life safety tools for a law enforcement agency: weapons systems, protective equipment, and then communications. Our communications equipment, as you know, is over 25 years old. It is antiquated; it is analog; it is not interoperable; it is not encrypted and, in many cases, has been fail-

ing us both in the hardware and software area because they simply don't make this type of system anymore.

We most recently had one of our vendors call and say they could no longer service our dispatch equipment or technology because it is simply outdated.

In the threat environment in which we work after 9/11, it certainly is critical that we be able to communicate with our partners in a critical incident situation, which we currently cannot do.

The encrypted portion of this project enables us to communicate with each other without the outside world listening in, which would degrade our ability to protect Congress. We currently do not have a failsafe system where we could have mirror sites and alternative sites that are away from this location to protect the integrity of the communications. With all those things that we have to deal with, a need for a new system is critical.

One of the reasons that we felt that through the supplemental it would be beneficial for us is that, really, every minute counts with a system like this. The system has failed us at one time when it completely shut down. Therefore, every month counts for us.

The committee saw this urgency in 2007, and we certainly appreciate the funding that we got through a supplemental at that time, but we believe that it is the most immediate way that we can begin this system and complete this system in a timely manner for the protection of Congress and the visitors and staff, and certainly for the legislative branch operations.

So that is really where we are now. We have listened carefully and have followed direction and been very methodical about the way we have gone about preparing ourselves for this system, both from a technical sense and an operational sense. We are currently in what is called an engineering design phase, where we will get the specifics of costs related to the internal use of this system.

And just to bring up a point, most systems are 80 percent external. Most of our system is 80 percent internal. So there was a need to really test, engineer, and design within the actual buildings, tunnels, and garages that we work in.

That is where we are now. With a supplemental in 2009, we would be able to begin to acquire some of the technology that we need, antennas, cabling, et cetera; and as the design phase is completed, we will then be able to begin the open competitive bidding for contractors for the work that is needed to complete this project.

So that is where we are. That is the criticality of it. That is why we believe that the supplemental is most beneficial to this project. It saves time, addresses the criticality of it, and it avoids any extension of time that would be related to this that could affect cost as well.

Ms. WASSERMAN SCHULTZ. Thank you.

Mr. Aderholt.

Mr. ADERHOLT. Thank you.

INDOOR COVERAGE

You referred a moment ago to the importance of indoor coverage. I know that this is the portion of the estimate that has not been locked down. Its estimated range—correct me if I am wrong—is between $8 million and $16 million; is that correct?

Chief MORSE. That is the cost that may increase once the design engineering is completed. So I believe—and I would have to look at the numbers—but it is somewhere in the $20 million range for infrastructure, and the indoor coverage could be as much as $8 million to $16 million more, depending on the design engineering.

Mr. ADERHOLT. Just talk a little bit about the importance of the coverage—and you were talking about how most of the coverage is outdoor—but how this is a little bit different situation. Also please address what the importance is of the indoor coverage and what would be involved in a design effort that you would need.

Chief MORSE. One of the things that we have experienced with our current system is what we call dead spots. It is the inability for the officer to be able to transmit or receive communications subterraneanly in some of our garage areas, tunnel systems, subways, et cetera. Part of the reason for this was the lack of cabling, antennas, and any design engineering study that took place in the past, and was associated with our current system.

Therefore, the industry standard, if you will, is to have a percentage of coverage for any system, whether it be external or internal. But our design engineering study is working us toward establishing the highest level of coverage internally that we can possibly get, as both a life safety issue and certainly any operational needs that take place for which communication is needed.

WORKING WITH AOC AND TIMELINE

Mr. ADERHOLT. Well, I can imagine a lot of cables have to be run through the Capitol Complex. Have you had a discussion with the Architect of the Capitol about an estimated timeline to try to get something like this implemented?

Chief MORSE. The estimates that we have have been reviewed by our stakeholders to include the Architect of the Capitol. But specifically the NAVAIR Command, who is doing the design engineering study, also has experience here at the Capitol in some of the uniqueness of the environment in which we work and the construction. So specifically if the question is have we had conversations with them about the timeline, the answer is yes.

Mr. ADERHOLT. Have they given you sort of a ballpark figure of once the money is allocated, how long it would take to try to implement something like this?

Chief MORSE. Three years for the whole project. And it is broken down into phases. I believe it is five phases. We are sort of in phase 1 and 2 right now.

Mr. ADERHOLT. One item that tends to get overlooked when you are trying to understand the cost is the outyear costs for such things as maintenance, additional personnel, and leases. What are the outyear issues and costs to maintain a new system like this?

Chief MORSE. I think as a part of the cost included for 2 years is about $4.5 million. Then any subsequent years would be certainly less than that because the testing and validatation would be completed. So it is just the maintenance of the system itself.

Mr. ADERHOLT. Phase 5. Until what time period would phase 5 go through after it is implemented, how long after that? You said 3 years as far as implementing the system. And this $4.5 million would cover how long?

Ms. JARMON. Two years beyond.

Chief MORSE. Two years beyond the three-year mark.

Mr. ADERHOLT. Thank you.

Ms. WASSERMAN SCHULTZ. Mr. Rodriguez.

Mr. RODRIGUEZ. First of all, let me thank you for your service and what you do for all of us. I want to thank you for taking care of us and all the tourists that come here.

Let me ask you, on the new type of technology that is out there, the overall expenditures, you mentioned the possibility of $20 million and $16 million; is that correct?

Chief MORSE. With regard to infrastructure inside the buildings.

Mr. RODRIGUEZ. What is the life expectancy of that? Do we have any idea?

Chief MORSE. I don't have that answer for you. I have people that can give you that answer. I can give it to you for the record.

Ms. WASSERMAN SCHULTZ. Answer that question for the record.

[The information follows:]

What is the life expectancy of the new radio system?

Response. The radio system life cycle will be between 15–20 years, with appropriate preventative maintenance service and updates.

TRAINING ON THE PROPOSED SYSTEM

Mr. RODRIGUEZ. In addition to that, in terms of the resources needed or the cost in terms of the training that is also entailed in that transformation effort, do you have that?

Chief MORSE. I just got the answer to your first question on life expectancy. It is probably 10 to 15 years. And then your second question, I am sorry?

Mr. RODRIGUEZ. Just in terms of the amount of resources required for training that is required in order to make that transformation. I distinctly remember a long time ago when computers came in, we bought a whole bunch of computers, and no one would use them because they weren't trained to use them. I just wonder in terms of the actual training that might be required and the possible cost with that. A company can sell you stuff, and along with that come additional needs for training that you might have to pay.

Chief MORSE. One of the requests that we have is for five radio technicians who will be familiar with that particular system, whichever system that may be. They would work on the system and would facilitate training for the employees.

BIDDING PROCESS

Mr. RODRIGUEZ. On the bid process—I gather you are starting work on that—would that be competitive?

Chief MORSE. Yes, it will be. It will be open and competitive, and the RFP, if you will, has been very closely scrutinized by not only GAO, but other——

Mr. RODRIGUEZ. Does it have a segment on there for the training?

Chief MORSE. That I would have to answer for the record.

[The information follows:]

Does the RFP for the new radio system include a segment for training?

Response. Yes. Training documentation is required to be developed in Phase III of our Statement of Work with NAVAIR (currently funded through Phase II), but

the actual training of personnel will be conducted in Phase IV before the system is turned over to/accepted by USCP.

Ms. JARMON. The RFP would be let after the design and engineering is done. The design engineering is being done between now and December. At that point we would be working with NAVAIR, and there would probably be about five different RFPs. There would be one for the radio equipment, network equipment, antennas, indoor coverage. About 95 percent of this would be fully competitive. Five percent is the cost for the NAVAIR to work as the project managers.

INTEROPERABILITY OF THE RADIO SYSTEM

Mr. RODRIGUEZ. Are you looking at a system that would be able to communicate with Secret Service and other agencies?

Chief MORSE. It would enable us to communicate with anyone with a system that we would want to bring onto our network, and that could be done on a consistent basis or an as-needed basis.

Ms. JARMON. Our training cost estimate is in phase 4, which is about $2.6 million. Training is included in that.

Mr. RODRIGUEZ. Thank you.

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

Mr. Cole.

Mr. COLE. Actually that basically touched on my question. On the interoperability portion of what you are trying to do, all the other surrounding departments already have the equipment they need for you to interact with them?

Chief MORSE. Yes. Most of the agencies that we interact with have the capability to be interoperable. There are some municipalities, for instance, Prince George's County, who I believe is within about 12 to 15 months, if I recall—and they testified recently—to having their interoperable system for countywide interoperability.

IMPLEMENTATION TIMELINE

Mr. COLE. How long would it take for you to put in place what you want to do, from beginning to end? If you started today, how long would it take?

Chief MORSE. It would take 3 years to get to where we need to be.

Mr. COLE. Does it make any sense appropriating the money over an extended time frame? Would it save any money or cost any more?

Chief MORSE. We have examined that. It is certainly an option that we have looked at. But we have found that appropriating this up front, and contracting it out, and procuring the technology and the infrastructure that we need is the best solution to completing this within the cost and within the time frame that we need.

Mr. COLE. Thank you.

Thank you, Madam Chair.

Ms. WASSERMAN SCHULTZ. You are welcome.

Mr. Honda.

Mr. HONDA. Thank you.

COMMUNICATING WITH MEMBER OFFICES

I guess I am trying to understand all this. What we have here right now is an expert who is designing the entire system and wants to design and set up and bid for different parts of the system. And the system has a lifetime of 15 to 20 years. We have a problem of interoperability, encryption, and also communication in terms of internal communication among our Members and with other agencies.

What I haven't heard so far, and maybe you have said it, how does this all work in times of—moments of emergency where you need to communicate with each office? Is that part of your plan? Are there other mechanisms such as you have audio, then you have video, so that we can get all that done so we can guide people in buildings in and out?

Asst. Chief NICHOLS. It is a good question because there are two parts to the question. One is having a robust radio system that allows us to give our officers direction in an emergency situation, because from the Central Command Center we can monitor the campus systems and know where an emerging chokepoint is; for example, in the Longworth Building. On the radio system we can give the direction to the officer how to relieve that chokepoint.

With regard to connectivity to the offices——

Mr. HONDA. How do you know where the chokepoints are?

Asst. Chief NICHOLS. In our budget request for fiscal year 2010, we have a request for cameras in critical areas in the buildings so we can monitor that remotely, frankly, based upon previous conversations we have had with this committee on those various concerns. So we will have a more robust internal remote monitoring system as opposed to having an officer there who can remotely see through the camera system where the problems are developing and then guide the officers to that location.

Mr. HONDA. Given the current technology, will there be a way to include new technologies so that when you have the video, it can be shared—at the same time as you see it in the control center, can that be shared with the other folks in and around that area?

Asst. Chief NICHOLS. If we can export that to the point that it doesn't compromise security, obviously we can export those images to other locations, yes.

Mr. HONDA. To other officers. That is also encrypted, but it can be done. Do you have that in your plan in terms of upgrading both the 10 to 15 years, because technology changes every 2 or 3 years?

Asst. Chief NICHOLS. That is correct, sir. Those are actually two independent and separate systems. The radio system is one standalone system. The camera monitoring system is another standalone system intended to be used for emergency egress. But all of our systems have to be integrated for the same life safety requirements, and this allows us to have a much better big picture of a quicker, robust response to emergencies. We bring all of these technologies together with well-trained personnel.

Mr. HONDA. Will that system be able to be compatible with the different offices? Will they use the same system or separate systems so that our emergency coordinator in each office will be able to have that information?

Asst. Chief NICHOLS. We are still looking at technologies to give the offices specifically a more clear picture of what is going on during an emergency situation. As you know, we already have the Blackberry system, we have the public address systems both inside and outside the building now, as well as the annunciator system which emanates from the command center. So you have just about everything except for a video picture. We can look at ways to import video pictures to key areas if that becomes a requirement or advantage in an emergency response for the public.

Mr. HONDA. How does that become a requirement for emergency response? You said if that becomes a requirement.

Asst. Chief NICHOLS. If there is a need to export a video picture outside the command center.

Mr. HONDA. But you have the capability.

Asst. Chief NICHOLS. That is correct. We will help develop that capability.

[CLERK'S NOTE.—The following information was provided subsequent to the Hearing.

The USCP does not currently have this capacity, nor would its current budget request allow for such an upgrade. The USCP will examine the cost of upgrading to the capability suggested by Mr. Honda, and include the upgrade in a future request.]

Mr. HONDA. In your timeline do you have what it will cost for the training?

Asst. Chief NICHOLS. For the video system, sir?

Mr. HONDA. Yes.

Asst. Chief NICHOLS. That is included in the budget request.

Mr. HONDA. When can we see this timeline and benchmarks—I suspect it is part classified, I don't know—but where Members will be able to see that visually so we have a sense of that timeline, something that we can use as a monitor?

Asst. Chief NICHOLS. We can certainly do that. We can give you a timeline with benchmarks. All of those things we can provide to the committee so you can see we are on track and on target. We are very sensitive to the needs of the community with regard—especially the people who work here who need to know because of the frequency of emergencies what our response is and how well suited we are to protect our community.

Mr. HONDA. My time has expired. Thank you.

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

Mr. LaTourette.

Mr. LATOURETTE. Thank you, Madam Chair. Thank you all for coming and for the work that you do. Madam Chair, I will just brag on the chief for a minute. After our last hearing on the inauguration, the chief actually did call my mother-in-law and explain why she wasn't invited to the inauguration. I appreciate that.

Chief MORSE. She was very tough, too.

VENDORS AND SPECIFICATIONS FOR THE RADIO SYSTEM

Mr. LATOURETTE. Is your current radio system vendor Motorola?

Chief MORSE. Yes.

Mr. LATOURETTE. And the difficulty that you are experiencing not only with the age, but what police departments tell me back home is that Motorola is going to stop making replacement parts.

That is the problem they are having, and that is a pretty slick move on their part, because if you can't make the parts, everybody has to get new radios and go off of this P25 system. Is that the problem that you are having, among others?

Chief MORSE. The problem that we are having is that the old technology can't be used like the new technology can be, regardless of who the vendor is.

Mr. LATOURETTE. You were kind enough, or the Department, to come up with a slide presentation. If I could just direct you to slide 12, if you have it. Before I ask you any questions about it, I just want to make sure. It says "procurement sensitive," so is it a secret, or can I ask you specific questions about this?

Chief MORSE. Hold on a second.

Mr. LATOURETTE. I just want to ask you about your proposed system. Is that okay?

Chief MORSE. Sure.

Mr. LATOURETTE. It says: 14 channels. The next one, 32 TX or RX. Are those repeaters?

Chief MORSE. Yes, sir.

Mr. LATOURETTE. So your proposal calls for, because of the unique challenges, I would suspect, of being inside, you have 32 repeaters. Do you have repeaters in place today?

Chief MORSE. We do.

Mr. LATOURETTE. How many do you have today?

Chief Morse. I don't have that offhand. I can provide it to you. But I can tell you that they are not all in position where they should be, or they are old and outdated.

Mr. LATOURETTE. Right. But 32 repeaters doesn't take care of the unique challenges you think your Department has with the indoor coverage that you need?

Chief MORSE. Well, there is also the aspect of cabling and locating where dead spots are for placement. So placement is critical.

Mr. LATOURETTE. I guess my question is: Do you anticipate growing to 16 repeaters, or do you think 32 repeaters are going to take care of it as long as they are placed properly?

Chief MORSE. We think that this is sufficient to cover what we need for our current mission.

Mr. LATOURETTE. The next one is subscriber units, 2,400. Are those individual radios?

Chief MORSE. Yes.

Mr. LATOURETTE. Okay. How many officers do you have at the Department?

Chief MORSE. Currently we have 1,799 authorized officers.

Mr. LATOURETTE. Can I ask you why you need 2,400 radios?

Chief MORSE. Sure. First, there are other entities within the Legislative Branch who use our system that help us; for instance, facilitate tour guides, and also they help us facilitate evacuations. The Architect of the Capitol and others who currently use our system, we would be able to extend this to them as well. And then we have the increase of Library of Congress police officers as well to our force.

Mr. LATOURETTE. Does your proposal call for each one of these subscribers to take their radio home with them?

Chief MORSE. They would be assigned to each officer.

Mr. LATOURETTE. They would carry them with them 24/7?

Chief MORSE. They would not carry them 24/7, but they would be issued a radio to use.

Mr. LATOURETTE. Okay. I am not trying to nitpick, but I guess you can get from 1,700 to 2,400 with all the other people that need to have radios. But if the police officer isn't taking the radio home, I assume not all 1,700 work at the same time. You do three shifts?

Chief MORSE. We do.

The issue that we are looking at is one of the reasons we need a critical interoperable radio situation is a crisis situation. In that case all of our officers would be called into work, and then we wouldn't have enough radios to go around. So there is a consideration for that, as well as backup radios.

ENCRYPTION COSTS FOR THE RADIOS

Mr. LATOURETTE. The reason I ask about the number is encrypting a radio is an expensive proposition, to the tune of maybe $1,500 a radio, plus or minus. It is not an insignificant number. But my question on encryption is, is it your intention to have all 14 channels encrypted?

Chief MORSE. The system would be encrypted, so if you talked on the system, it would be encrypted, regardless of which channel.

Mr. LATOURETTE. Let me just ask you a question that police officials back home have suggested to me, and that is that their SWAT teams have encrypted communications, and some of their narcotics operations, but the traffic officers, as an example, don't have encrypted because of the expense. And I wrote down you said at one point every minute counts. When you encrypt a transmission, you do miss a beat because the computer has to encrypt. Even with really fast computers, you lose a nanosecond or some seconds as you encrypt everything. Do you think there is an absolute need to encrypt every one of these 2,400 radios and all 14 channels, or have you explored making 2 or 3 of them encrypted, so that if we have a big problem here today, and we need to go on to say channel 6 and conduct our work and encrypt it, we could?

Chief MORSE. I am not technically savvy enough to answer the question if each one of the radios is encrypted. And I will have to get back to you with that. I am right now thinking that the system itself is encrypted; therefore, if you operate on that channel——

Ms. WASSERMAN SCHULTZ. Do you have someone?

Chief MORSE. We do have some people more technically sound with regard to encryption. Doug Hosea.

Ms. WASSERMAN SCHULTZ. Why don't you come and join us at the table since the questions are going to be directed at you. If you could state your name for the record.

Mr. HOSEA. Doug Hosea with NAVAIR.

Mr. LATOURETTE. You heard my question. Does the entire system need to be encrypted?

Mr. HOSEA. I definitely would recommend the entire system be encrypted. It gives you one type of system that everybody can use, and whenever an officer is in need, that information is not put out on the street.

Mr. LATOURETTE. I get the purpose. Do you have the technology to encrypt 3 or 4 of the 14 channels that they are proposing that would permit them to have secure communications?

Mr. HOSEA. They are also in the handheld radios and the portable radios, so they are on both ends. So you can encrypt some channels on the radio, but it is also on the hand-held unit itself. So if the handheld unit itself would have the encryption module built in, that is where the code plug would be loaded in, and that is your encryption algorithm.

Mr. LATOURETTE. The question is: As I look at the proposal, it looks about $10 million is dedicated for the encryption piece. I have been told about $1,500 a radio. So I guess I am asking. I want the police to have the best radio system possible, but in these times, if we don't have to encrypt every radio for every police officer who is directing traffic as opposed to dealing with a security threat to the Capitol, I am asking why should we spend that money?

Ms. WASSERMAN SCHULTZ. The gentleman will answer the question, and then your time has expired a while ago.

Mr. LATOURETTE. Thank you for your courtesy.

Mr. HOSEA. The encryption side, depending on how the frequencies are laid out, it is going to depend on who gets that channel. So if an officer is on a channel and it goes down in a certain area, and he does not have an encrypted radio, he is not going to be covered by another frequency. So by doing that, you kind of promote another problem that could happen.

Mr. LATOURETTE. Thank you so much.

Ms. WASSERMAN SCHULTZ. Ms. McCollum.

Ms. MCCOLLUM. Thank you. I want to thank the Chief, the Assistant Chief, and all the officers and supporting staff for all the work that they do. Mr. Honda and I, after we moved offices several years ago, started talking about Longworth, and we know there are also challenges in Cannon and Rayburn, as well. Heaven forbid I will ever be in Rayburn when called to evacuate. In Longworth, they have challenges with the crowding in the stairwells.

CAMERAS TO ASSIST IN EVACUATIONS

Just for the record, do you have in your 2010 budget cameras to be placed in the stairwells so that you can do basically live-time evacuation and move people or inform officers if they need to go someplace?

Asst. Chief NICHOLS. They will be placed in key areas, correct.

Ms. MCCOLLUM. And along with that, will there be annunciators included in the stairways, too, in case you need to tell people not to proceed or to move to another area?

Asst. Chief NICHOLS. We already have the annunciators in all the offices that give realtime direction that can give directions verbally to everybody who is evacuating.

Ms. MCCOLLUM. I am talking about annunciators available in the stairway to be used if I am a tourist, or somehow I am evacuating and not the person who has the annunciator.

Asst. Chief NICHOLS. There is the public address system that we use also, and of course, all the annunciators are portable so people around you can hear them also.

Ms. MCCOLLUM. That is great. And thank you so much for doing that. It gives me peace of mind for my staff, but it also gives me peace of mind for all the people who are visiting here. I think it will, as you practice through it with drills—and I hope they are always drills—become more efficient with the system in the future.

HOMELAND SECURITY GRANTS

Madam Chair, I want to shift the conversation a little bit. We have talked about radios, we have talked about providing enhancements for the public when they are here to be safe, and all this comes out of Legislative Branch dollars.

My St. Paul police department, St. Paul Fire, and volunteer fire departments are all eligible to apply for different grants and funding opportunities, especially out of Homeland Security. The Capitol Police have always been responsible for securing the sites for Members and for dignitaries and for people that are visiting, but after September 11 that responsibility increased to a whole another level especially for protecting the public when they were here. We have seen this while being here on September 11 and with the evacuation due to the plane during Mr. Reagan's funeral.

So I really think, Madam Chair, and I would ask all my colleagues here, if we should be rethinking the way this police department, the Nation's police department, has been funded in the past when they compete with all the other services that are to be provided to Members to help us do our job. I wonder if this is the most effective and efficient way in order for these officers to provide the security that they want for us, because I have to believe they would have moved quicker and faster on some of these areas that we are discussing today had they have had the resources to do so. They have done admirably with the resources they have, but I think we need to have a discussion, perhaps with Chairman Obey, about letting them compete toe to toe for some of the grants other police departments receive.

Ms. WASSERMAN SCHULTZ. My understanding is the only problem with that—and that is something that is an intriguing suggestion—the only concern is that it would put the Legislative Branch in the position of applying to the executive branch for funds for a function that is legislative. So there may be separation of powers issues related to that, which is why we have always taken care of our own funding.

Ms. MCCOLLUM. But I would just say that there is an odd transfer of funds, and I will throw this out here, and we can talk to other people about this some more later, but the CDC receives a huge chunk of change. It is a transfer point through which funds go to PEPFAR. PEPFAR gets its own money and then a transfer from the CDC to do something else.

There are things like that riddled throughout the budgets. So I don't see why Homeland Security couldn't have a chunk of change that they could transfer to Legislative Branch for doing a portion—not all, but a portion—of what they do. Otherwise, we are going to continue to be hamstrung for all the other needs of Leg. Branch. It really puts us in a situation of having to make choices between safety and sometimes efficiency in doing our jobs. When this formula was first set up, that wasn't an issue.

And so I would encourage us to look at ways of exploring the way this formula has come to be, and see if there is a way we can do it more effectively and efficiently and fairly to the other responsibilities this committee has in the future.

Ms. WASSERMAN SCHULTZ. You do make a valid point, and I would be thrilled about any relief that we had off the pressure that we have to meet this budget.

Mr. RYAN.

Mr. RYAN. I have no questions.

Ms. WASSERMAN SCHULTZ. Thank you.

RELIABILITY OF COST ESTIMATE

I want to just focus in on a couple of concerns, because my understanding is that the NAVAIR study is still 6 to 8 months from completion. Is that right?

Chief MORSE. That is correct.

Ms. WASSERMAN SCHULTZ. Still 6 to 8 months from completion. You are asking for these funds to be approved prior to the study being fully complete. Since your doing that—I mean, 2 years ago the cost estimate of this system was $35 million. Then last year the cost estimate was $61 million, which was one that I felt didn't have adequate justification for it. Now we have a more refined estimate of $90 million to $100 million, with the additional $8 to $16 million that would come at the end of the process.

Without completion of the design study, what level of confidence can we have that this latest cost estimate is the final one? I do not want us to get into a situation where, in April of 2009, we are saying it is $90 to $100 million, but 6 or 8 months from now, $150 million or $175 million because we have unanticipated things that we didn't consider.

Why shouldn't we wait until we have the study completed? I understand the urgency, and I understand the need, but I am concerned about unanticipated costs. And since this is a very expensive system with a lot of unanswered questions like the one that Mr. LaTourette asked, which was a very valid question, why wouldn't waiting 6 to 8 months so we could absolutely have a real handle on the cost be a more prudent course of action?

Chief MORSE. Certainly I am sensitive to that, and have been. That is why we have committed ourselves to excellence on our financial management side of the House, the administrative side of the House. That is why we have been so responsive and cooperative in having so many people look at this project, not only from an RFP, but from an engineering design phase.

The experts tell me that this is what it will be, and this is the cost and timeframe that it will be.

Ms. WASSERMAN SCHULTZ. But that is what they told you when it was $35 million also. We had the same conversation at the beginning of this process.

Chief MORSE. I understand. I go back to that, and there were a lot of things missing there; a lot of things I didn't know. I was only presenting what had been done at a very low level in 2005. And I think I was transparent and honest about that, that I simply didn't know where this thing would end up until I could do other things.

Ms. WASSERMAN SCHULTZ. But, Chief, I don't want to characterize you as pressing for the $35 million immediately, but there was tremendous pressure at the time for us to appropriate the $35 million right then. It was badly needed. It was something that was urgent. We had to do it. And had we done that then, we would have come back several more times, because once you had a fuller picture of what it was really going to cost, we would be in a CVC situation again where we would have to be appropriating unanticipated dollars for a proposal whose plan had not been completed.

Chief MORSE. Like I said, I go back to that time and the things that were missing. We have committed ourselves to not only our agency——

Ms. WASSERMAN SCHULTZ. But my bottom line question is: Are you confident that this will be the final cost, and that we don't need to wait the 6 or 8 months until the study is complete?

Chief MORSE. I am confident that with all the things we have done and gone through and reviewed, I am confident that what they are telling me is correct. It still remains, the criticality of it, and I know that you are aware of that and sensitive to that, so I appreciate all that. I do have confidence in it. I obviously have a great deal of concern about the criticality of it. There are things that we can do prior to the issuing of the overall contract that can get us on course.

Ms. WASSERMAN SCHULTZ. What would waiting 6 or 8 months do? If we waited 6 or 8 months until the study was completed, when a full recommendation could be made with all the information that you need available to you, what would be the difference between doing this now, appropriating the dollars now in the supplemental, or waiting 6 or 8 months until we have the study completed?

Chief MORSE. Well, we just simply don't know what is going to happen in the budget cycle. We know the criticality of this, so the supplemental provides the funding for it. We maintain our timeline and our phased approach to this. It just keeps us on track, and it saves time, which I think everybody wants. The longer this could extend, the more risk we take with a failure of the system in not getting it off the ground, but also the more risk we take at cost and it rising.

I have confidence in our plan. We have over the past 2 years tried to gain the committee's confidence in the work that we are doing, and we just simply hope that you support us in this effort. And we know that you have in the past, and we appreciate everything that you have done for us.

Ms. WASSERMAN SCHULTZ. My time has expired.

Mr. Aderholt.

Mr. ADERHOLT. I don't think I have anything on the radio right now.

Ms. WASSERMAN SCHULTZ. I do have several other questions related to the radios. Do any other Members have questions, radio-specific questions?

ENCRYPTION AND MAINTENANCE OVER TIME

Mr. LATOURETTE. I do. Chief, if I could maybe get the NAVAIR guy. One is: Does every radio need to be encrypted, if I am right

about the cost? In particular, the 700 radios you are going to share with other people, I see a big difference between people engaged in traffic control and people engaged in making sure they will be safe from terrorists. If you could look at that.

The other thing that concerns me, the $4.5 million for maintenance, I think that is great. I would just ask that you get it from Doug or whoever is consulting you, that we don't find ourselves in a Motorola situation again. So whoever you wind up selecting as the vendor, it is great if you get a 2–year maintenance agreement and it is all paid for, but in year 5, if your vendor decides they are not going to make spare parts anymore because they want to sell everybody a P26 radio system, I think you are going to have an expense maybe we don't need to have.

So I think that if you could satisfy yourself that the people that sell you the radio system are going to fix that radio system into the foreseeable future. Those are my two concerns.

Ms. WASSERMAN SCHULTZ. Thank you.

Ms. MCCOLLUM. Madam Chair, to follow up on that. I am just trying to see if I understood something right. Right now you are looking at encrypting all channels. Do you have the flexibility of how many channels you choose to encrypt?

Mr. HOSEA. Yes, ma'am.

Ms. MCCOLLUM. If I am an officer with a radio, and I have an encrypted radio, it doesn't make a difference how many channels are encrypted, one encryption descrambles whatever it is that comes into my radio?

Mr. HOSEA. It depends on how you set it up.

Ms. MCCOLLUM. So is there a cost difference if I have channels, and I am just making up channels, say I have 2 channels, I encrypt one and don't encrypt the other?

Mr. HOSEA. No, ma'am.

Ms. MCCOLLUM. Is there a cost difference to me as the officer standing in front of Longworth whether my unit decrypts two channels or one channel?

Mr. HOSEA. No, ma'am, because the encryption module is built into the radio. There is one encryption module for the radio. It is not one encryption module per channel, it is one encryption module that slides into your radio—for your BlackBerry you have a little SIM card that slides in, basically it's the same thing for the encryption modules.

Ms. MCCOLLUM. So are the cost savings in how many channels are encrypted or are the cost savings in how many units can decode the encryption?

Mr. HOSEA. In how many units can decode the encryption.

Ms. MCCOLLUM. And bids are usually cheaper if I am bidding all the same product type versus two different product types.

Mr. HOSEA. Yes, ma'am.

Ms. MCCOLLUM. I would still like to see the answer to your question, but thank you.

Ms. WASSERMAN SCHULTZ. Thank you. Anyone else on the radios? I have three, I will ask them together and then we can move on to the 2010 request.

PROCUREMENT AND NAVAIR'S ROLE IN RADIO PROCUREMENT

I want to focus on procurement for a second. Can you clarify how you propose to handle the radio procurement process if this funding is approved by Congress? Will it be a fully competitive procurement process, open to all bidders? Will the radio procurement be a fixed cost or a cost plus contract? We have heard from a number of potential bidders who are concerned that the RFP will be written too narrowly and that that might eliminate perfectly viable options for meeting communication requirements. So how are you going to balance that?

Chief MORSE. Well, first we had already heard those concerns about narrowness of the RFP, and that is one of the reasons we had so many experts, as well as GAO take a look at the RFP to ensure that it, in fact, is not narrow, that it has the technical and engineering requirements that we need to meet our mission. With regard to procurement, it will be an open, fair bidding process. We have to ensure that that happens. We have a project manager who is a subject matter expert in this, who has on-board procurement people who have the expertise in this type of complicated procurement process, and who will augment our folks in our Office of Information Systems.

Ms. WASSERMAN SCHULTZ. And what is NAVAIR's role? There is some confusion as to what NAVAIR's role will be.

Chief MORSE. NAVAIR will be the project manager for the overall radio project. They are our consultants or experts in this area. They use an integrated team concept and basically are augmenting our team of subject matter experts in preparing the procurement process, and they will carry it out.

FENCING RADIO FUNDS

Ms. WASSERMAN SCHULTZ. Lastly on the radios, as I said I think the need has been demonstrated, the urgency has been demonstrated. We have spent a lot of time working to this point. But it still is sticking in my craw that there are 6 to 8 months left on this study. And the road is littered with studies that result in costs for programs like this ballooning beyond what was absolutely guaranteed at one particular stage and that has been the pattern with this proposal.

So my question is, if we approve all or a significant portion of the supplemental request, the $72 million, I think it would make sense to withhold most of the funds until the final cost estimate is completed and validated. Is that something that would be acceptable? I think we should fence off the funds that you don't need at this point so that we could make sure that you will have it appropriated but that the 6 or 8 months will go by and we will know what the cost is. And if you already have enough money, or if we need to go further, then we haven't gone further than we need to.

Chief MORSE. Yes, it is acceptable that we do that.

Ms. WASSERMAN SCHULTZ. Okay.

Chief MORSE. We want to make sure you are comfortable.

Ms. WASSERMAN SCHULTZ. It is not for my comfort. I mean, $100 million that is only going to last us 15 to 20 years is a lot of money. It is very expensive. I understand that it is technology and that is

the nature of the technology, it is an incredibly important system, but we want to make sure that we are being fiscally responsible while we are implementing the system.

Do you want to begin on the 2010 budget request?

Mr. ADERHOLT. Go ahead.

10-YEAR GROWTH IN FUNDING VERSUS FTE

Ms. WASSERMAN SCHULTZ. Shifting now to fiscal year 2010, let's take a look at the budget from a broader macro point of view. Your office supplied us with data last month showing the long-term growth funding for the Capitol Police, The table shows that between 2000 and 2009 total funding for the Capitol Police increased by $200 million, or about 170 percent after adjusting for inflation. And during that same period, the size of the force only increased by 700 FTEs, or 48 percent. In other words, the total funding for the force has risen at nearly double the rate of growth in the number of officers and other staff. The average cost for FTEs after inflation increased from 70,000 per officer to 137,000 per officer. Can you put some of those numbers in perspective, because they are staggering?

Chief MORSE. Well, if we are going back to 2000, obviously we had some significant events here at the Capitol complex, including 9/11, anthrax, ricin. And we also had the shootings of the police officers in 1998. So there were significant increases in the Department's mission, not only related to the new technology for instance, but also the physical securities we see throughout the campus. So there was an associated cost related to that. There were associated costs related to training officers at the level they need to be with this type of technology, procedures and protocols that are associated with protecting the campus at such a high level.

So the assets, the resources, the physical securities, the increasing technology and added mission that was given to us to handle has significantly grown our agency since 1998.

GROWTH IN COMPENSATION

Ms. WASSERMAN SCHULTZ. FTEs and compensation are not the same thing, they are very different measures. Can you tell us what the average total compensation, including overtime, was for an officer in the force last year compared to 7 years ago?

Chief MORSE. Seven years ago, I do not have that data. I do know, for instance, a new recruit who would come out currently, after they had completed their training in their first year of service their salary would be about $57,000. The current average overtime would be about $14,000, so roughly $72,000. I don't have the data from back in 2000, but I can certainly provide that to you for the record.

Ms. WASSERMAN SCHULTZ. If you can.

Chief MORSE. Yes. With increases in COLAs over the course of 7 years, there was probably a significant increase in salary.

IMPLEMENTATION OF ELS RECOMMENDATIONS

Ms. WASSERMAN SCHULTZ. Okay. I want to focus on the ELS study for a moment. There seems to be a level of consensus that

we need more officers and there is also a consensus on the need to better manage the staff resources that you have. And I know you agree with that. That recommendation has been emphasized both in your own internal studies and then the ELS study. Can you review ELS's findings with us briefly and the steps that the Department has taken to implement those recommendations? There is a real concern by our committee's investigative staff that there has been very little progress made on ELS's recommendations. We are aware that as of last week, the committee in the Capitol Police organization that was supposed to be implementing the recommendations hasn't met since last October, that there is no blueprint or time line for implementing the recommendations, and that the Department has not even developed a list of high priority items that should be. If you could explain why, that would be great.

Chief MORSE. Sure. The ELS was a manpower study not only to just decide you need this many officers and then your problems are over. We could not say the mission's taken care of, that is just not how it works. The way it works is ELS is a bigger conceptual thing as well, where you have to ensure the utility of your officers is correct. What number of hours are they here? What missions do you need to have? Are they threat based? In other words, do they get you the bang for the buck? Are your programs correct? Is the deployment of your people correct? All those things have to be examined before you can come and simply ask for more people. We have done a significant amount of work with regard to ELS. And I can submit a list which I have submitted or have provided to S&I of all the different levels of change that we have made——

Ms. WASSERMAN SCHULTZ. Do you have the priority list? Obviously, there are some recommendations that are more important than others, and there is a committee that you have. Why haven't they met since last October?

Chief MORSE. Well, the priorities are threat based. So we have done a significant amount of work. With regards to the committee not working or being together, that did not mean that we hadn't done anything. We most recently met with S&I, and I apologized to them personally for any misconception or inappropriate information that was provided, but I think that they were given the good work that we have done since October and will continue to do. There were reasons why the implementation group, if you will, was not meeting and that is water under the bridge.

Ms. WASSERMAN SCHULTZ. What were those reasons? It is not water under the bridge for this committee.

Chief MORSE. Right, I understand that. I am talking about with respect to what we were doing. This group of people could not meet because they had other assignments like the conventions, the Inauguration, et cetera. That did not mean that the assistant chief was not giving directions to his commanders and getting ELS issues resolved or giving direction for them to be resolved. And I continue to sign off on the implementation of those recommendations.

As we reported to S&I, we believe that what is left in ELS are the issues that will cost money. The way we prioritize it, we went after all the things that did not cost money that were threat-based. And we have done a significant amount of work in that respect. Most of the things that are left will cost money and as we ex-

plained, we want to put that in our first development program where we can prioritize based on threat, based on need and based on budget. And that is the best area for that. So the group did not meet, but it wasn't necessary for them to meet in order for us to still accomplish our goals, and we, in fact, did.

Ms. WASSERMAN SCHULTZ. If you can provide to the committee for the record which ELS recommendations have been implemented up to this point and what you have remaining and a budget picture of what those items could cost, that would be helpful.

CVC SECURITY

Mr. ADERHOLT. I would like to shift gears a little bit and ask about the CVC. It has been open for about 4 months now. One of the things that I was curious about was regarding any problems that have come on line since the CVC has been opened that you have encountered, because certainly it is a different way that people are processed through the Capitol and how they come in there. What is your initial impression after 4 months of it being open?

Chief MORSE. I think it has been a very well-run operation. So I would commend everyone who has built the programs and designed the tours and the exhibits and so forth. It is a great experience.

From the police perspective, it has been a learning experience. We have had to screen a significant number of people obviously as we have expected. The numbers were very high. We have done a very good job of that. We do not have long lines. Sometimes if you get a significant number of groups at one time you may have some amount of wait, but for the most part, it has been a very smooth operation and one that many people have come to, and we have been keeping track of the numbers. There have been no significant events there. All our emergency evacuation procedures that we have put into place have been working very well in our drills. The Architect of the Capitol, the director of the CVC, all the employees there are working well together and the adjustments have been minor.

Mr. ADERHOLT. So overall, you have not really experienced any significant problems?

Chief MORSE. I have not experienced any real problems. Certainly there has been a great deal of work in trying to anticipate what problems we may have, but for the most part, it is a very smooth operation and very smooth experience as anticipated.

CVC STAFFING REVIEW

Mr. ADERHOLT. The budget justification states that an analysis will be necessary to validate the current staffing levels or indicate the need for adjustment. When is the CVC staffing review planned and when will it be complete?

Chief MORSE. Well, with respect to any staffing analysis that we are doing, it is not just for the CVC but overall and that is with respect to the study. The merger of the Library of Congress will certainly impact the CVC, the new visitor experience, the connectivity, the officers, training and such. So probably by the beginning of the next fiscal year, we will have a better idea of what

our staffing levels are and how they are working with respect to the CVC.

Mr. ADERHOLT. One thing that has been mentioned is the lack of signage in the CVC, that this would pose problems during evacuations. Just a question to you, is this an issue? And how do you think that it can be resolved or how you anticipate trying to resolve that?

Chief MORSE. The more direction that you have and some have talked about it here from a technology standpoint. Certainly, this is from a signage standpoint. The more technology you have, the more signage you have, the better it is.

Where we don't have adequate signage, where we have drilled both live and off-line, we have anticipated where problems may exist and police officers are there to give clear direction. But the more signage that we have, the better. And certainly, all the considerations of signage and appearance and things like that have to be worked out. If you have areas that are difficult to get out of, it is nice to be able to have some level of direction.

Mr. ADERHOLT. Well I think most of the problem has been centered around evacuation areas more than anything else.

Chief MORSE. In truth the drilling that we do, both when people are there and when they are not helps us decide where the best locations are for deployment of officers.

Mr. ADERHOLT. I think that is all right now.

Ms. WASSERMAN SCHULTZ. Okay. Mr. Rodriguez.

CVC SECURITY SAVINGS

Mr. RODRIGUEZ. Let me ask you, with the new Visitors Center, I presume that that has happened in terms of staffing and that kind of—or has it? Because I think it would be more uniform in the way it was structured before to require less staffing, and maybe it is better organized? Has it saved any money or is it just the opposite?

Chief MORSE. Well, just going back to a little bit of history, there were several assumptions associated with the CVC, they were basically—we were assuming that this would happen a certain way—and this is what you will need to staff it, these are the hours of operation where people come through, et cetera. Not all the assumptions were met and when they are not, that sometimes increases the level of staffing and the results of overtime. But for the most part the staffing levels are——

Mr. RODRIGUEZ. Is it more now because of it?

Chief MORSE. We need more staffing than we probably originally anticipated, but that is with the change of assumptions. And it is not just the CVC itself, in some respects, there were some give-backs that would come from closures of doors and et cetera and buildings and tunnels that were staff-led and things like that. So there were some give-backs and then there were some openings, but right now, we do experience a little higher level of overtime with some of the events and openings that occur in the facility.

REDUCING OVERTIME

Mr. RODRIGUEZ. In regards to—you mentioned the overtime and replacement of the 76 needed additional staff to replace the over-

time. Would that reduce the amount of resources much more or do away with some of the overtime?

Chief MORSE. The 76 are for reducing overtime, and they would be deployed based on threats in the areas most needed.

Mr. RODRIGUEZ. I apologize, I didn't look at that, what kind of savings are we looking at in doing that?

Chief MORSE. From?

Mr. RODRIGUEZ. Seventy-six positions versus the overtime.

Chief MORSE. In the first year, the net cost is about $4 million.

NEW EMPLOYEES TO REPLACE LONG-TERM CONTRACTORS

Mr. RODRIGUEZ. About $4 million. You also talk about 48 additional civilian positions, is that to replace contracts or other things that are out there?

Chief MORSE. Yes it is. There are going to be 21 from that list that are civilian positions from the Library of Congress, and additional that are for the Office of Inspector General. There are experts in the radio, and then the other remaining numbers are new positions that are related to administrative needs.

Mr. RODRIGUEZ. And based on because I saw something on the contract that said to reduce the cost also, in-house staff versus contracted out?

Chief MORSE. Right there is a cost savings versus contracting, and having administrative staff do that work.

Ms. JARMON. That it is about 7 of those 48 positions. There have been contractor issues in the workforce for some period of time and these are to replace some of the longer term contractors.

COUNTER SURVEILLANCE POSITIONS

Mr. RODRIGUEZ. You mention 13 additional positions to do countersurveillance. Is that something we are not doing?

Chief MORSE. No. We do have a countersurveillance program. The 13 are a recommendation of the ELS study and it is our effort to enhance our capability in that area for better coverage.

Mr. RODRIGUEZ. Is that immediately right now that you are looking at or long term in terms of these decisions?

Chief MORSE. Those are long-term decisions.

Mr. RODRIGUEZ. Thank you.

Ms. WASSERMAN SCHULTZ. Thank you. Mr. Cole.

Mr. COLE. Thank you, Madam Chairman. First of all, I neglected in my first round of questions just to tell you how much I appreciate what you do and certainly my staff does and how many wonderful compliments we get back on the professionalism and courtesy of your force with my constituents.

COUNTERPARTS FROM OTHER COUNTRIES

Second just an odd question, but what you do is obviously very unique, there are not a lot of police forces charged with the Capitol's protection. Are there counterparts? You have counterparts in London and Paris and other great capitals who have comparable kinds of security concerns and threats that we would have here. And if so, do you have any kind of communication with them on best practices?

Chief MORSE. We do, we have had many come visit us. Not only in the United States, but from countries overseas. And we have talked about the similarity and uniqueness of our job. A lot of these other counterparts in London for instance you have a parliament, the Canadian parliament looks to us for the types of security measures that we take to protect our facilities and we certainly are interested in theirs. And next month, as a matter of fact, I am expecting a visit from one of our counterparts. So we routinely talk and interact on similar issues.

Mr. COLE. Do you pick up regular information just in terms of technology, or again, things that other people are doing?

Chief MORSE. We do both, and they certainly have a different environment because of the nature of the threat in their countries. So there is more significant or immediate attention to acts that have already occurred in some cases, which they have to protect against. So we have learned a lot from them, but I think they have also learned a lot from us.

Mr. COLE. I know we don't have how much time, thank you very much.

Ms. WASSERMAN SCHULTZ. Thank you. I just want to let the Members know and GPO as well that we are not going to have time to do the GPO portion of the hearing today, so we will ask them to come back another day. There are a number of other questions that we need to review carefully with the police.

OVERTIME USE DURING CORE HOURS

I want to go back and focus on overtime a little bit more.

Our S&I staff has told us that 90 percent of the overtime that you use is during core business hours, Monday through Friday, not nights, weekends and special events. Is 90 percent of overtime appropriate for core operations, not unpredictable needs?

Chief MORSE. Yes, during the core mission hours that is when everything happens, that is when the demonstrations occur, it is when the special events occur, it is when we have joint meetings of Congress, the President comes, the vice president, there is a multitude of things that happen during the core business hours.

FLAWED STAFFING MODEL

Ms. WASSERMAN SCHULTZ. Can I just review a few specifics with you and have you respond? I understand you had the Inauguration, you have had some unpredictable demands, but in fiscal year 2007, you had 2,085 FTEs and used $2.2 million for overtime. In your 2010 budget, you propose a staffing level of 2,369 FTEs, which is an increase of almost 300, and a 15 percent increase in the size of the force over a 3-year period. In spite of that, your 2010 request for overtime is $22.4 million, which is actually above the 2007 level. So you go up 300 FTEs, a 15 percent increase in 3 years, and you still need the same amount of overtime.

I would expect that you would plan for the number of officers and hours that you need without needing to have such a significant amount of overtime. We have capped overtime before in the reports and we can cap it in the report or in the bill. I am close to considering doing that because I am just not comfortable that you have planned for the amount of officer time you need. One of the ELS

study findings is that you seem to significantly overstate the number of hours in which an individual officer is actually available to stand post. How are you addressing that?

Chief MORSE. Well, the 300 increase, I guess, we need to break that out first. That is about 150 police officers from the Library of Congress and the CVC—I'm sorry, I will get it down in a second, so many numbers.

Ms. WASSERMAN SCHULTZ. I know.

Chief MORSE. I had it here in my book if you will just give me a second, I will see if I can find it.

Ms. WASSERMAN SCHULTZ. Sure.

Chief MORSE. But of the 300, there are Library of Congress officers, there are about 30 CVC officers and the 89 that we are requesting. So those are for increased mission sets. The officers that are coming over from the Library of Congress police and then the 89 that we requested. Seventy-six of the 89 are to decrease overtime so we won't see that benefit until it comes.

There are missions that we have, for instance, that are not funded, that we are taking a look at because we don't want to come to the committee and ask for more people when, in fact, we are about to use technology to decrease those numbers. That is the situation with our truck interdiction program, when I became chief the ability to stop trucks—as an example—was not there, it was not manned. It was a situation where the threat had to come to us. We would not have been able to anticipate it.

Well, we staffed that, but I wouldn't ask for more people for that because I know that I am getting ready to use technology to decrease the number of people that we use at the trucks interdiction posts and put them back into the system. That is an example of how a little more complicated this is and what we are doing to reduce overtime.

We have also—based upon ELS and some of the work we have done since October—audited one of our programs which has actually yielded us a decrease in the number of people that we need and has enhanced our ability to protect the campus. So we are doing it from both ends.

OVERTIME AND THE UTILITY OF OFFICERS TO STAND POSTS

Ms. WASSERMAN SCHULTZ. But what about the specific finding that you are overestimating the amount of hours that one officer can stand post?

Chief MORSE. Right. I will try to get the numbers right. If they are not right, I will correct them later.

Ms. WASSERMAN SCHULTZ. Okay.

Chief MORSE. There is a utility number which we have used 1656, which is derived from an OPM standard. There is an ELS utilization number which is 1560. The ELS study is an average of what we do, what our people do, the availability of our people. They may not be like other Federal agencies' numbers but we have averaged our sick leave over the past 3 years and we averaged our training over the past 3 years. We averaged other calculations in there to get our utility number.

Now, there is another area that we are working on in our Training Services Bureau. To show you how all of this works together,

we are cleaning up the Training Services Bureau with all the recommendations that were made from a study. As a part of that process we may derive a different training number than the one that currently exists because we are updating our standard training protocols, what is mandatory, what isn't—certification and such. Therefore, the 80 hours which is averaged in there, it may be more and it may be less. The reason for the difference is that we were using our numbers and our averages, not a previous standard.

Ms. WASSERMAN SCHULTZ. And you say for your purposes your numbers are more accurate?

Chief MORSE. I think for our purposes they are more realistic for a utility of our police officers.

Ms. WASSERMAN SCHULTZ. If you need all that overtime then there seems to be a disconnect between your predictability on the number of hours assigned to each officer and what realistically you need them for.

Chief MORSE. Well, there are a number of variables. And the Assistant Chief, let me have the Assistant Chief just jump in here, because the chief of operations has the responsibility to control and maintain overtime.

Ms. WASSERMAN SCHULTZ. Okay.

Chief MORSE. Dan, if you want.

Asst. Chief NICHOLS. Thanks. There are a lot of moving pieces. You talk about the overall FTE number, of that overall number there are only about a thousand officers that actually work the core mission, the posts that drive the overtime. What we know from that our posts, our current mission set exceeds our staffing level, that is what is driving the overtime. So obviously, if we had more officers we would decrease overtime because we are operating at a level that is higher than our current staffing level, that is one primary factor regarding overtime. Add unpredictables, special events and things of that nature, we don't have enough for our mission. So we have to meet that through overtime because we have to meet the mission set. So we have to make sure we are talking about apples and apples. Those are about a thousand officers who work that amount of overtime.

The other issue that we found as we started looking at our utility number, we were assuming the utility number was higher, which means we thought we were actually getting more workload out of every officer than we were, which means that we were not correctly anticipating the overtime that we would need. Then invariably—because we weren't meeting that utility—we were driving more overtime.

So when we drive down to a more realistic number for what our utility actually is, how many work hours do we actually get out of an officer, out of a full year of 2080, now we are starting to realize where we really need to be and we are driving toward that. You compare that by the fact that we have officers who have very significant training requirements that are even off-line more than the standard officer. When we are using that standardized number across the board we found that that wasn't adequate.

What we are trying to do is realize all of those functions at the same time. And as I said before it is like trying to repair a car you are driving down the road at 75 miles an hour, we can't just turn

things off. But we are making a very diligent effort to get to where we need to be and be transparent with the committees so that you understand the numbers. And I would admit that in the past, even when I came on as assistant chief, there were numbers that I didn't quite understand.

Ms. WASSERMAN SCHULTZ. Great. Mr. LaTourette.

COLLECTIVE BARGAINING AGREEMENT

Mr. LATOURETTE. I have one question for my own educational purposes and a question, if the chairwoman has asked it already about overtime, I apologize, and just tell me to shut up and I will move on to an observation. Are members of your department subject to the collective bargaining agreement?

Chief MORSE. Yes, sir.

Mr. LATOURETTE. What union do they belong to?

Chief MORSE. Fraternal Order of Police, we have the Teamsters for our civilians.

Mr. LATOURETTE. So on the question of a person who starts as a new rookie officer at $57,000, that is pursuant to the terms of your collective bargaining agreement?

Chief MORSE. No, the collective bargaining agreement—

Mr. LATOURETTE. That is wages and benefits?

Chief MORSE. They do not negotiate for benefits or pay, only working conditions.

OVERTIME SAVINGS

Mr. LATOURETTE. Okay, thank you very much. The question that the chairwoman may have asked is about 89 new officers that you requested. My question would be if you take $57K and then $14,000 average on overtime is the goal by bringing on these 89 new officers to reduce that $14,000 average?

Chief MORSE. Yes. The 76 is a chunk to reduce overtime. The remaining 13 is a mission enhancement to address a threat.

Mr. LATOURETTE. So based upon the modeling that you have done, if these 89 new officers are approved and 70–some go to reducing overtime, you would expect to be back here in a couple of years and not talking about $14,000 average overtime for your officers?

Chief MORSE. Right. We would hope that as we apply the ELS concept to everything that we are doing, which we are doing and realigning, readjusting, load leveling hours of operations change, et cetera that we are doing, that we will be able to incrementally increase with justification the size of the force to decrease the amount of the overtime that we spend, minus the unpredictable.

CAPITOL POLICE COURTESY

Mr. LATOURETTE. The last thing is an observation. I don't like to make anecdotal observations, but I continue to hear from my colleagues that the staff is kind of being not well treated by not only the CVC staff, but some of the officers on staff-led tours. And I push back to my staff and say, well, they are always nice to me. And they say, of course they are nice to you, you are the Congressman. But a number of examples just from the Ohio delegation that

members of their staff, I don't know if it has happened to mine, have been berated by some folks. And you are not doing it, but it is tough, and so just at roll call or whatever, if you could just remind anybody who might be engaged in that kind of activity that constituent services are an important part of what all of us do, I would appreciate it.

And if I come up with a specific example I would be happy to get that information to you so we can call out if it is one guy that is just a jerk, and we will deal with that. But I continue to hear it and it is disquieting, because that is an important part of the excitement of coming to Washington is people are going to the Capitol.

Chief MORSE. I appreciate that. And that is the core value of our police department, so if you ever have an issue, please bring it to my attention and I will take immediate action and correct it.

Ms. WASSERMAN SCHULTZ. Mr. Aderholt.

Mr. ADERHOLT. Let me follow up on that since Mr. LaTourette has brought it up. There have been times when the same thing has happened with some members, maybe only a handful of them, but when they are taking constituent groups through the Capitol, including my constituents when my staff have carried them through. There have been times I think the officers have been a little bit heavy handed in trying to get the message across that you are not supposed to be here. It is sort of embarrassing in front of your constituents. If you, again, as Mr. LaTourette asked, could just remind them it is important to us and it reflects on us because it looks like our staff has done something wrong. So be mindful of that, I don't know it is a problem with the entire force, I think it is probably you have a handful of people there that sometimes like to show their authority and they sometimes take it to an extreme.

Chief MORSE. Thank you.

Mr. RODRIGUEZ. I was just going to say it is not bad when they call your mother-in-law.

Mr. LATOURETTE. Nothing has ever happened to me with the police department, it has been brought to my attention that some people——

CONDUCT OF USCP OFFICERS

Ms. WASSERMAN SCHULTZ. Before we conclude I just want to give you an opportunity to comment on the story in The Washington Times today. The allegation is that there are 7 or so officers that were participating in a Facebook group that I won't repeat, but that is perceived by me being a woman as hostile towards women. Certainly people can participate in activities of their own choosing on their own time, but when you are a law enforcement officer, there are a certain amount of those decisions that you give up your right to make because you need to maintain the appropriate appearance of a law enforcement officer. Their alleged participation in that Facebook group makes me concerned about their attitude or the environment for women as it exists in the Capitol Police force, because people don't just leave those attitudes in Facebook groups, they carry them in to work and in their personal lives.

I know the article said that you have opened an investigation, but I just wanted to give you an opportunity to comment on that because it is concerning.

Chief MORSE. It is very concerning to me to have an allegation like that surface about the United States Capitol Police when certainly we don't condone any of that. As Chief, I think everybody knows since I have been Chief, I have held people to a very high standard. We have the proper rules of conduct and core values that our employees have embraced and followed. If there are people who do not embrace our core values and who do not follow the rules of conduct, then we deal with them very seriously and very quickly. The police department has opened an investigation. Once we received the anonymous letter that was provided to the Times, we opened an inquiry immediately in our Office of Professional Responsibility. We will investigate it vigorously. And if we find any misconduct, we will deal with it very swiftly and very seriously. We appreciate your comments and certainly the men and women of the Capitol Police do not condone this type of conduct either.

ADDITIONAL ASSIGNMENT FROM THE CHAIR

Ms. WASSERMAN SCHULTZ. Thank you very much.

As we wrap up, the homework that I will assign relates to the fact that you have been trying to identify for a number of years in the Capitol Police your optimal staffing level. And I know you have made progress. The purpose of that is to reduce the amount of overtime that you use and better secure the Capitol complex. That is an important goal that we need to reach because staffing costs are a large driver of your annual requests. And I think there is an outstanding concern about the amount of overtime that you need and with better planning, would that still be necessary? So I will be providing you with a set of questions for the record related to staffing the Department and how you plan to get to the right size force. And if you could provide answers to those questions no later than next Friday, May 1st, I would appreciate it.

Mr. LATOURETTE. May I ask just one question? How many dispatchers do you have, do you know?

Asst. Chief NICHOLS. I believe it is 21, but I will have to get that for you, sir.

Mr. LATOURETTE. That is it, thank you.

Ms. WASSERMAN SCHULTZ. Thank you. With that the committee stands in recess until tomorrow, 2:00 p.m., when we will hear from the Architect of the Capitol. Thank you.

Questions for Record -- Chair Wasserman Schultz

U.S. Capitol Police
FY 2010 and FY 2009 Supplemental requests
April 22, 2009

Radio replacement project

1. Am I correct that in addition to the current $72 million radio request that you anticipate asking for an additional $7 million to $16 million in FY 2011 based on the conclusions of the NAVAIR design study?

Response: Yes. We plan to request an additional amount for indoor coverage equipment and installation costs after this design is complete, and this amount will be requested in our FY 2011 request. The current estimated cost for this indoor coverage equipment and installation -- in addition to increased contingency funding -- is between $8 million and $16 million, but the costs will be better defined by the design engineering analysis.

2. Based on discussion with your office as well as GAO and our own investigative staff, there now seems to be agreement on the basic requirements for the new system. These include that it be digital, encrypted, "trunked,", and meet the Public Safety 25 compatibility standard. Do you agree that with these characteristics for the new system?

Response: Yes.

3. Earlier briefings on the radio system upgrade included a requirement for 95 percent coverage of all areas under USCP jurisdiction. Can you tell us the basis for this requirement and whether as we understand it may be being modified?

Response: We have used the 95% coverage standard to communicate the fact that we require as complete coverage of our jurisdiction as possible. It was based on guidance from one of our contractors, Concepts to Operations, and adjusted by us for our environment. However, of more importance than the percentage of coverage is where there may be dead spots within our area of jurisdiction. If, for example we realize 95% coverage from the new system and find that one of the dead spots is the floor of the House, then 95% is unacceptable. On the other hand, if the new system provides 90% coverage

and dead spots are located in remote, non-critical areas then it may not be worth expending significantly more money to eliminate them simply to reach a 95% target. The detailed engineering design that NAVAIR is doing includes "mapping" the campus to identify potential dead spots and establish a foot print for the location of future receiver and repeater sites that will eliminate as many of those dead spots as possible. Once we have identified precisely where needed equipment must be placed to reach all areas we will evaluate the criticality of full coverage in each area and determine the most cost effective array for obtaining the best coverage possible. In the final analysis our coverage may be something more or less than 95% depending on our assessment of the criticality and cost associated with eliminating each identified dead spot.

For example, the current requirement could be changed once the design is complete to exclude the mechanical rooms and other areas that are not occupied. NAVAIR will provide options for coverage along with the associated cost.

4. Chief Morse, apart from the cost of this project the Committee has been concerned about how your Department would handle the procurement process. Can you clarify how you propose to handle the radio procurement process if the money is approved by Congress?

Response: In accordance with the Economy Act where federal agencies enter into interagency agreements with other federal agencies with more expertise in certain areas, the Department plans to use NAVAIR to procure the necessary products and services during Phase III. This offers the Department the ability to take advantage of the needed expertise and infrastructure that NAVAIR has in place to perform such complex procurements. NAVAIR will competitively award technical and engineering services as well as hardware component contracts on behalf of the Department. The Department will oversee NAVAIR and remain fully accountable for this project.

In addition, the Department plans to handle the procurement process for the facilities related to the radio modernization project as follows:

a. Build-out of the ACF – Estimated at $4 million (USCP procurement via Interagency Agreement with AOC).

b. Build-out of the Mirror Site - Estimated at $4 million based on commercial contractor estimate (USCP procurement) and includes two years of estimated lease costs.

5. What portion of your total budget for the radio system upgrade do you expect to be awarded based on a competitive procurement process?

Response: NAVAIR will competitively award technical and engineering services as well as hardware component contracts. Contracts consisting of 80-85% of the Phase III ($76.5 million) budget will be new full and open competitions (i.e., $61 - $65 million). NAVAIR already has existing technical and engineering services contracts that have been competitively awarded, which may be used for this project. These consist of multiple prime contractors and a wide array of approved sub-contractors. NAVAIR also has a new "full and open" service contract that will be listed on FED BIZ OPPS for the National Capitol Region (NCR); contract award is estimated for September.

6. As you are aware there has been confusion about the role of NAVAIR beyond its current work on the design study. Can you specifically address this issue and tell us what role you anticipate for NAVAIR beyond conduct of the design study which is already underway?

Response: As previously mentioned, the Economy Act of 1933 provides for one agency to purchase supplies or services from another agency. Using the authority provided in the Economy Act we plan to use NAVAIR as our project manager for the entire Radio project from concept to operations. We expect NAVAIR to provide total project management services, including procurement services, for the acquisition, installation, and implementation of the new radio system. NAVAIR was selected from various governmental entities with specific related expertise.

USCP plans to use NAVAIR to procure the necessary products and services we will need for the radio project. As a government organization, NAVAIR is not tied to a particular product line or service provider and can provide a solution that provides the best value to U.S. Capitol Police. This offers the ability to take advantage of the needed expertise and infrastructure that NAVAIR has in place to perform such complex procurements.

We have currently tasked the Naval Air Warfare Center Aircraft Division Special Communications Requirements Division (NAVAIR SCR) to perform

Phases I and II. In this role NAVAIR has implemented an integrated project team management approach that includes participants from USCP, NAVAIR, and supporting industry partners. This approach facilitates regular communications and collaboration among the project stakeholders, and provides USCP the ability to actively oversee and monitor progress and verify that requirements are being addressed. Additionally, NAVAIR's structured approach to systems engineering project management will help us ensure effective technical performance and efficient cost execution while providing a good system of checks and balances.

The Department will oversee NAVAIR and remain fully accountable for this project.

7. Will the radio procurement be a fixed cost or a cost-plus contract?

Response: It is our understanding that all of the procurement for the equipment will be fixed cost.

General Budget:

8. Chief, before moving to the specifics of your 2010 request I want to ask you to comment on the data which your office supplied last month showing the long term growth in funding for the Capitol Police. Basically this date let's us take a look at your budget from a macro point of view before we switch to more detailed questions. This table shows that between 2000 and 2009 total funding for the Capitol Police has increased by about $200 million, or about 170 percent, **after adjusting for inflation**. During this same period the size of the force has increased by only 700 FTEs, or about 48 percent -- that is total funding for the force has risen at nearly double the rate of growth in the number of officers and other staff. The average cost per FTE, after inflation, has increased from $70,000 to $138,000. We know the "devil is always in the details," but for the record, can you put these numbers in perspective for the Subcommittee? Where has the money gone if not into more people?

Response: The data below indicates the differences between 2000 and 2009 in terms of sworn, civilian, and total workforce. It is presented to illustrate that the cost per person (based on salary hours) has actually decreased in the past decade.

- FY2000 (Authorized/Assigned) FTE (at end of year):

  - Sworn: 1259/1208
  - Civilian: 222/165
  - Total: 1481/1373
- FY2009 (Authorized/Assigned) FTE (as of 4/11/09):
  - Sworn: 1799/1744
  - Civilian: 418/340
  - Total: 2217/2084
- FTE Delta Statistics (Raw delta data/Percentage increase):
  - Sworn: 540/42.89%
  - Civilian: 196/88.29%
  - Total: 736/49.70%

Interestingly, if we were to derive cost per person solely from hours worked vs. dollars for sworn employees, we have actually had a reduction in cost per FTE. From 2000 to 2008, COLA increases have led to a salary increase of 52.83 %. If we calculate total pay per Sworn FTE (as indicated by the table that follows), the cost has risen 46.5%.

Calendar Year	TotalSwornHours	TotalSwornDollars	Source	Grade1 Step 1 Salary
2000	2,685,950.5	$64,908,430.14	Archive T&A System	$33,933
FTE	1,291.32			
Cost per FTE	$50,265.09			

Year	TotalSwornHours	TotalSwornDollars	Source	Grade1 Step 1 Salary
2008	3,992,327	$141,339,297.90	Workbrain	$51,859
FTE	1,919.39			
Cost per FTE	$73,637.69			
% INCREASE	46.50%			52.83%

In the past decade, the USCP mission has changed, creating far more non-personnel expenses. This significant growth was due to the fact that the threat to which we have been expected to respond has changed in both its nature and intensity, which has required a different approach to meeting that threat. Technology, too has evolved, and has since required updates.

The Department's significant expenditures over the past 10 years that have not been exclusively personnel cost-related, include: technological expenditures; vehicle and weapons purchases; technology and radio integration (which transitioned to the Department from the Senate); and the stand-up of two

specialty units (HMRT and K-9). Selected highlights of items creating new and additional costs follow:

Security Services (equipment and services): included significant increases thru the past 10 years that total approximately $10M. These increases are directly related to the additional security equipment and systems installed with NY funding in 1998 and 2001 around the Capitol Complex after the tragic killing of the 2 USCP officers in 98 and the events on 9/11.

ACF Guard Services
Contract guard services for the facility used to house the back-up computer systems of the House, Senate, Architect of the Capitol (AOC), and LOC. *Average annual cost $875K*

Barriers
Supports preventative maintenance required by the contractor to ensure the reliable and efficient operation of the equipment, and emergency repairs for system or equipment failures needed to prevent barrier failures, extended outages, and possible increase in vehicular accidents. *Average annual cost $1M*

Comprehensive Maintenance
24/7 preventative maintenance, testing, and repair of the integrated security management systems of the Capitol Complex. *Average annual cost $2.5M, plus $500K for the CVC*

Explosive Detectors
This will fund the annual replacement of explosive detectors to maintain current levels of service. The machines were originally purchased in late 2001 with NY funds and have a 4- to 5-year life expectancy. *Average annual cost $500K*

New Installations
Installation of Board approved card readers and alarms on the Capitol Complex needed to control access to restricted areas, resulting in reduced operational manpower requirements to ensure the safety and security of these restricted areas. *Average annual cost $500K*

Support Services
Contractor Support Services funds the following contractors: a logistics specialist, two project managers, a budget analyst, and a senior systems engineer to fill mission critical gaps. *Average annual cost $1M*

TCM Life Cycle Replacement
This will fund annual replacement of TCM equipment to maintain current levels of service to detect clandestine activities. *Average annual cost $1M*

TCM Staffing
This fund is to augment current staffing shortages to conduct countermeasure inspections of sensitive committee spaces and SCIFs and In Place Monitoring System support. *Average annual cost $1.5M*

X-Ray Machines
Life cycle replacement plan for the X-Ray machines around the Capitol Complex to screen for concealed items, as well as support services required to maintain the machines. The machines were bought in 2005 with no-year funds. *Average annual cost $700K*

Information Technology Advances: In the year 2000 the Office of Information Systems (OIS) was managed by about eight full-time employees and no contractors. USCP then had only five servers, about three hundred desktop computers and about forty laptops. Almost all high-level technical Information Technology and communication services were provided by the Senate staff.

In the late nineties a USCP technology assessment report from by Booz, Allen and Hamilton called for modernizing the IT infrastructure. Based on that report and subsequent GAO findings and recommendations, USCP modernized the whole IT infrastructure to meet new challenges, threats and system vulnerabilities, which resulted in procuring and implementing new hardware, infrastructure, applications and database software.

Currently, OIS supports over 1160 desktops (almost a four-fold increase), 80 servers and 518 laptops. OIS also has a failover IT infrastructure at the ACF to manage a Continuity of Operations contingency.

Security –Software, web filtering, encryption, security awareness classes and support – *Average annual cost $200K*
Certification and Accreditation of Systems – *Average annual cost $150K*
Intranet Support – *Average annual cost $150K*
Project Management – *Average annual cost $150K*
Computer Aided Dispatch – *Average annual cost $450K*
Case Management – *Average annual cost $250K*

Asset Management System – *Average annual cost $1 million*

Helpdesk Support – *Average annual cost $250K*
Lifecycle Support for laptops, computers, servers and related items – *Average annual cost $700K*
Microsoft Enterprise Agreement – *Average annual cost $250K*
Maintenance of existing software applications – *Average annual cost $3 million*

Command Center Upgrade and Support (Watch Commander's Log, conference bridges, Dialogic) – *Average annual cost $250K*
Network Support – *Average annual cost $2 million*
Telecommunication Support – *Average annual cost $800K*
Fiber Infrastructure and Support – *Average annual cost $500K*
Network Refresh and Supplies – *Average annual cost $250K*
Radio System Maintaining existing system – *Average annual cost $1.5 million*
Desk Phones, voicemail, long distance, circuits – *Average annual cost $415K*
Radio Modernization Project – *$10 million in No-Year funding*

OIS operations and support expands from the USCP Headquarters building, Fairchild Bldg, ACF, GPO, CVC, scout cars, Cheltenham, Blue Plains, LOC and several other locations on and off the Hill. We have implemented at least 21 new applications supporting specific Bureaus/Offices. Each of these new software applications requires regular licenses, upgrades, operations, maintenance and enhancements, as necessary. Just a few of the systems/applications are: Training Tracker System; Computer Aided Dispatch, for managing incidents by the Command Center; MAXIMO, an inventory control application; Momentum, our accounting system; Workbrain Time and Attendance system, and COGNOS, the relate reporting application, AVUE digital, our recruitment application; plus systems and software that every agency must implement and maintain such as an automated help desk, antivirus software, server virtualization, and data storage applications.

Vehicle Maintenance: Since FY 2001, and largely in response to 9/11 and the changed threat level precipitated by that event, the USCP fleet grew substantially. The fleet has replaced the general vehicles first utilized by the Department with highly sophisticated Law Enforcement vehicles, the command vehicle, Intelligence surveillance vehicles, Bomb and Hazmat response vehicles, armored vehicles, etc. These assets have been effectively utilized in patrolling and securing of the Capitol Hill Complex and Grounds, Special Event security and protection, Dignitary transport and protection, and prevention of

terrorist attacks, etc. In FY 2002 through 2005, we procured a total of 220 new and replacement vehicles. During the same period, the Department also procured over 60 motorcycles, two HMRT vehicles, and the Command vehicle, four electric carts, a mountain bike program, about 15 trailers, message boards, and light towers.

9. Cost per FTE and compensation are very different measures. Can you tell us what the average total compensation, including overtime, was for an officer in the force last year compared to seven years ago?

Response: The average total compensation for an officer in 2000 versus 2008 is found in the table below. The data is extrapolated from T&A system, multiplying hours x dollars. Benefits are calculated at 7.2% for overtime, and at 30% for regular hours in 2000 versus 33.5% for regular hours in 2008. For purposes of comparison, the total compensation for 2000 is annualized to reflect the effects of the cost-of-living adjustments indicated below.

Year	Avg Salary	Avg OT	Avg Benefits	TOTAL	*2008 Total (annualized per COLA)*
2000	$50,355.65	$5,933.00	$15,533.87	$71,822.52	*$71,822.52*
2008	$78,260.96	$14,010.00	$27,226.14	$119,497.10	*$97,854.40*

	COLA	Cum. Effect of COLAs
00-01	3.81%	1.038
01-02	4.77%	1.088
02-03	4.27%	1.134
03-04	4.42%	1.184
04-05	3.71%	1.228
05-06	3.44%	1.270
06-07	2.64%	1.304
07-08	4.49%	1.362

Additional staffing request and ELS manpower studies:

10. If the Committee can find the funds for the additional positions requested for 2010, will that bring the force up to where you believe it needs to be long term, or can we expect a request for more staff again next year?

Response: The Department's FY 2010 request for additional sworn and civilian positions is a continuation of our efforts to incrementally achieve a balance between the staffing, overtime and technology necessary to achieve our mission.

During the FY 2011 budget formulation process, we plan to consider additional prioritized manpower study recommendations along with other critical mission requirements for inclusion in our budget submission. Likewise, in an effort to find offsetting reductions, we will review our programs to determine areas for potential reduction or program elimination. Therefore, our FY 2011 budget request may include a request for an incremental increase of personnel or resources to achieve additional ELS recommendations.

Our goal is to have completed the analysis and evaluation necessary to determine the proper balance of staffing, overtime and technology necessary to achieve our core mission by mid-calendar year 2011. However, in order to add personnel beyond our current staffing strength, we will have to evaluate our ability to provide the infrastructure necessary to support these personnel. Currently, our facilities capacity for additional personnel beyond our FY 2010 requested level may be limited.

11. What is the total cost of FLETC training for your new officer recruits in 2010 and are these costs fully provided for in your budget? (Federal Law Enforcement Training Center)

Response: The Department's Training Services Bureau (TSB) provides entry-level, in-service, and physical skills training (firearms – basic rifle, shotgun and hand gun training and re-qualifications for the entire force.). To do so, TSB has 13 instructor positions, as well as three officials who also instruct, for entry-level (recruit training) and in-service instruction (security screening, critical incident management, detecting surveillance, etc.) and seven instructor positions, as well as three officials who also instruct, for initial firearms training and recertification. These are full-time sworn and civilian employees assigned to the Training Services Bureau. In addition to these employees, the Department pulls from within its ranks to supplement the instructor staff with adjunct instructors based on workloads, but we are very conservative about how and when we do this, so we can limit the overtime impacts. The salary costs for these full-time employees are included in our annual salary appropriation.

Similarly, TSB secures the services of contract role players to play specific roles in various training throughout the year. These role players are required in varying numbers on specific days to meet the course curriculum requirements. This could be as few as one role player or as many as 20 for a given day based on the course needs. We use role players for nine days for a class of 24 or 18 days for a class of 48. We have tried to conserve whenever possible by scheduled dual purposes on some days dependent upon schedule. Therefore, if multiple recruit classes are conducted at our Cheltenham facility, the role players are being utilized in multiple classrooms in accordance with the course curriculum. In addition, role players are also being used in our in-service training for dignitary protection training throughout the year, as needed.

The number of role players necessary to meet annual training needs at TSB is determined by the projected recruit officer classes, the anticipated in-service training requirements and the specialty course work specific to our specialty units. Because these role players are servicing multiple training needs throughout the year, the costs for these role players are included in the total TSB general expense annual budget request. The average role player cost per recruit officer is $1,434.

As a partner with FLETC, the Department staffs two instructors at FLETC-Georgia to provide instruction to not only USCP recruit classes, but also to recruit classes that contain recruits from other organizations. FLETC requires partner agencies, like the Department, to provide for one-half of the required instructors based on a pre-determined formula, either by detail or reimbursement of instructor costs. The USCP portion not met with the current detailees is included in the DHS appropriation. It does not currently come from our budget. The two assigned instructors are full-time sworn employees of the Department and they are detailed to the Georgia facility as a part of our partner agreement with the Department of Homeland Security. The salary related costs for these full-time detailed employees are included in our annual salary appropriation, but we do not get reimbursed for the instructor overtime that is incurred in order to meet scheduled work loads, unlike many Executive branch agencies.

For many years, the Department of Homeland Security (formerly provided by the Treasury) has provided the other costs for our recruit training from within their annual appropriation, to include: lodging, food, supplies and instruction related costs for recruit officers. The estimated FY 2010 amount is $2.2 Million.

The Department is responsible for additional instructor costs, lodging costs and general instruction costs associated with our other-than-recruit (considered specialty or advance) training that occurs at the FLETC-GA facility, such as specialized dignitary protection training, driver's training, firearms instructor and basic instructor training. These costs are billed to the Department through an IPAC and are paid from the TSB general expense allocation.

There are other costs relative to the hiring, training and deployment of our recruit officers. These costs include:

- Recruit salaries and benefits, to include limited overtime necessary to maintain the FLETC course schedule, as well as remedial training, is included in the Department's annual salary appropriation.
- Recruit officer per diem (Health/Comfort): $4.00 per day x 90 days = $360 per recruit. Included in the TSB general expenses allocation.
- Field Training Officer Costs: Each recruit officer is assigned to an identified Field Training Officer to assist the recruit officer in applying their training to the actual work environment following their graduation from FLETC-GA and the USCP Academy. The cost for this is $25 per day per recruit officer x 20 days of field training and is paid to the assigned Field Training Officer. More than one recruit officer may be assigned to a Field Training Officer based on the mission assignments of the recruit officers. For a class of 48, the FTO program costs are $24,000 and these costs are included in the Department's annual salary appropriation. The annual estimated amount for this program is based on the projected number of recruit hires per year.
- FLETC also charges the Department rent and utilities for space at the Cheltenham facility where we train our recruits and conduct all of our in-service training. Additionally, we are charged by FLETC for the use of the Cheltenham firing range. These associated training costs are also included in the TSB general expense allocation.

We do not currently have a cost accounting structure to track these expenditures. We do track the execution of the Training Services Bureau's general expense allocation, as well as our overall salary appropriation.

12. Has the Department of Homeland Security built the cost of Capitol Police FLETC training into their 2010 request?

Response: Yes. Although DHS' request has not yet been formally submitted, it is our understanding that $2.2 million will be included in their request, for USCP FLETC training.

13. Our S & I staff believe that it is important that a single senior staff person be in charge of implementing the ELS recommendations and that this responsibility be a major part of that official's time. Who is currently responsible and how much of their time is devoted to the manpower utilization modernization effort?

Response: To lead this effort, the Chief of Police has directed that Richard Braddock, a high-level civilian manager, provide oversight and guidance to the overall manpower analysis efforts. Because it is critical that a senior sworn official provides leadership in this area to ensure operational perspective, Inspector Debra Reynolds, the Executive Officer for the Chief of Operations, was designated the project manager for the ELS Implementation Team project. Inspector Reynolds is among the highest ranking sworn females in the USCP, and she has served the Department in varying capacities which provides her with a broad understanding of the Department's administrative and operational requirements. To oversee the Force Development budget formulation process, which will serve as an evaluation tool for considering the feasibility and cost of recommendations requiring additional resources, Beth Hughes-Brown, the Department's Budget Officer has been designated as the project manager.

Further, Ms. Helen McGroarty will serve as the staffing specialist for the ELS Implementation Team project within the Office of the Chief of Operations. She is responsible for assisting the bureaus and offices in validating, documenting, and tracking the staffing and other resource requirements needed for implementing the various aspects of the study in a standardized manner. Additionally, Ms. McGroarty will be tracking the Department's overall analysis and validation of the study's recommendations, and our efforts to implement those recommendations that are determined to be feasible and achievable.

We believe this configuration of implementation leadership will ensure that the project maintains continuity and focus, while balancing the operational mission perspective and the overall ability of the Department to support our mission. Each of these individuals has other duties and responsibilities that are critical to the mission of the Department, but their contributions to the successful implementation of this effort are equally critical to their success in their other areas of responsibility.

We are addressing staffing requirements, overtime management and the implementation of ELS recommendations as a priority this year and have reassigned some of our key staff to help us reach the objectives we have outlined above. If circumstances beyond our control dictate that we divert any of these staff into other priorities we will need to adjust our schedules and plans accordingly.

Overtime:

14. One of the key findings of the ELS study is that your basic staffing assumptions for officers significantly overstates the number of hours which an individual officer is actually available to stand post. The inevitable result of using this staffing model is very significant use of overtime. For example, we are told by our S & I staff that 90 percent of overtime is used during core business hours Monday through Friday, not during weekends, nights or for special events. Can you tell us whether you agree that 90 percent of overtime is used for core operations, not for unpredictable needs?

Response: The great majority of the activities on the Capitol Complex happen during the core mission hours, including demonstrations, special events, joint sessions of Congress, Presidential and Vice Presidential visits, VIP and heads of states visits, as well as a multitude of other things that happen during this time period. We must staff our posts accordingly, which results in having considerable overtime to meet our core mission requirements during these times.

The normal procedure is to give weekends off to officers so we maximize the number of people working when Congress is in session, and there are doors, garages, patrols, and barriers that need to be staffed. On the weekends, we rotate the overtime drafts so that each employee with weekends off is required to work when their time comes up. Our pool of possible workers is then larger and more equitable. This cuts down on sick calls, and also allows a larger pool of substitutes if someone wants to work for someone else. During the week, everyone is working (except the few with that weekday off). These individuals don't have a pool of people to pick from to work as a substitute unless they get someone from another shift to work a double. Their pool is already working because the needs are so great.

In addition, the USCP has 24-hour operational shift work. When officers call in with personal emergencies or illnesses, this requires the people from the prior shift to stay over. As noted, the heaviest preponderance of work requirements is from 7 to 7. When we don't have enough staff to cover the requirements, we need the officers who have just completed shifts to fill in to cover the normal operational staff shortages. We do not require as many staff (as a percentage of our requirements) to work the evening and graveyard shifts.

15. The overtime estimate for 2010 translates to an average of approximately $10,000 for every employee of the Department. Is overtime spread evenly among all officers or do a few officers tend to get very large amounts of overtime?

Response: Overtime is allocated evenly to begin with within organizational units, but some units are required to work more overtime by the nature of their assignment. For example, House and Senate Chambers are required to stay when Congress is in session late, as is the Dignitary Protection Division. However, officers who don't want to work overtime (or overtime at the particular time they are scheduled to work) can ask someone else to work their hours.

Therefore, there is substantial variance in how much overtime officers earn per year, although the majority earn less than $10,000.

In the fiscal years between 2000 and 2008, inclusive, 57.8% of the total officers earned $10,000 or less in yearly overtime, and 80.0% earned $20,000 or less. During the same time period, in one or more years, 2.0 % earned over $50,000 of overtime, and a few (i.e., 0.1%) earned over $75,000. (Note: The same officers may be counted more than once in these summary percentages, since each year was calculated separately. See the data presented below in response to Question #17.)

16. What is the maximum amount of overtime pay which an officer can earn in a year and how many officers reach that cap?

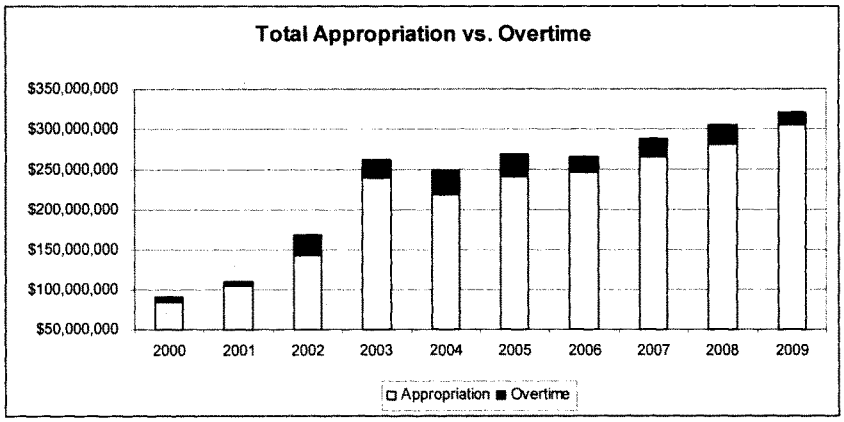
Response: The maximum amount of overtime pay that an employee can earn is dependent upon their base salary. The annual total salary cap for 2009 is $168,411, and officers may not exceed that cap via any combination of salary rate and overtime earned.

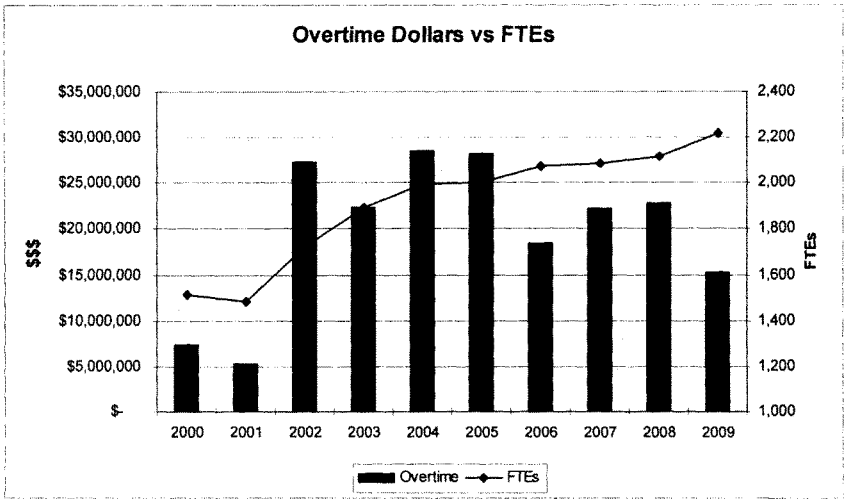
The pay cap is monitored so individual officers may not exceed it. In 2008, for example, the annual pay cap was $163,795. We had eight employees who worked to the cap limit. Of those eight, there were two that needed to be curtailed from working above the pay cap prior to the end of the year.

17. Please insert in the record at this point a table and accompanying graph showing for FY 2000 through FY 2009: 1. Total appropriations, FTE's and overtime. Also include a separate table showing the distribution pattern of overtime among members of the force and the distribution pattern of total compensation, including overtime, for sworn officers?

Response: Please see chart, graphs, and distribution pattern below. (FY 2009 data is based on year-to-date expenditures.)

Fiscal Year	Appropriation	Overtime	FTEs
2000	$ 84,906,664	$ 7,317,187	1,511
2001	$ 104,795,586	$ 5,348,547	1,481
2002	$ 142,290,000	$ 27,247,961	1,723
2003	$ 240,208,462	$ 22,350,687	1,895
2004	$ 219,795,510	$ 28,587,830	1,993
2005	$ 241,469,376	$ 28,201,758	2,003
2006	$ 246,961,440	$ 18,364,070	2,075
2007	$ 265,635,000	$ 22,185,007	2,085
2008	$ 281,871,750	$ 22,814,427	2,116
2009 (YTD)	$ 305,750,000	$ 15,270,614	2,217





The distribution pattern of overtime among members of the force follows, from fiscal years 2000 through 2008. This indicates the number of sworn personnel in each year who earned total paid overtime within each of the ranges indicated. Please note that officers at all levels are subject to the total pay cap ($168,411) discussed in the response to Question 16, below.

Overtime Earnings by Number of Officers

OT Earned & Straight Time Earned

	Fiscal Year									
Range	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
$5,000 - $9,999	156	274	152	374	447	401	335	330	304	361
$10,000 - $14,999	45	81	160	221	253	278	220	211	214	216
$15,000 - $19,999	22	36	188	126	132	222	123	137	161	136
$20,000 - $24,999	5	8	142	116	83	139	78	102	106	88
$25,000 - $29,999	6	5	100	60	68	86	62	66	59	59
$30,000 - $34,999	1	2	80	52	54	59	36	58	57	43
$35,000 - $39,999	1	3	58	36	29	43	27	30	43	22
$40,000 - $44,999		1	44	24	10	28	23	25	35	9
$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
$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	2		3	
$75,000 - $79,999			1			2		2	2	
$80,000 - $84,999			2					1	2	
$85,000 - $89,999			1						1	
$90,000 - $94,999				1						

Attrition:

18. Your budget assumes that 140 officers and other employees will leave the force both in FY 2009 and in 2010. We understand that attrition is running at a rate substantially below these projections. What can you tell us about current rates of attrition and the implications for your budget in both years?

Response: The USCP has enjoyed a much higher retention rate so far in FY 2009 than originally expected during the past few months. At the FY 2009 mid-year point, USCP sworn attrition was lower than historical rates and, consequently lower than expected. However, given the fact that we were not projecting and tracking attrition rates the last time the nation experienced a recession, we are being careful not to extrapolate with any certainty from data that represents only a few months. Because of this, we are closely tracking attrition, and adjusting class sizes to try to anticipate when our attrition rate once again may rise (as it did in pay period 7 –we had projected one officer would terminate, but 15 actually did). If we were to extrapolate from the mid-

year figure out to year's end, the attrition rate would be 5.4% (94 separations) relative to the on-board sworn staffing level of 1742, which is the most current staffing level. The average attrition rate over the last ten years was 7.51%, and over the last three years it has been 8.04%. Decisions that have yet to be made regarding recruit accessions scheduled for June and August will have effects on the end-of-year staffing level and final attrition rate, as well as the impact on overtime requirements needed in FY 2010 to meet core mission. We expect to hire a recruit class in June to cover the remaining attrition from our base as well as the authorized backfill from the Library of Congress security mission. Using the 5.0% rate for FY 2009 mentioned above for notional purposes, the ten-year rate would be calculated at 7.38%. Continuing the formula using the 1744 staffing level mentioned above, the projection for FY 2010 would be expected to be 129 separations.

These mid-year figures are tentative and not final. FY 2010 attrition forecasts could remain steady as originally projected or could go higher or lower than the notional number we have used for illustrative purposes here. It appears that economic factors have impacted attrition rates among both those eligible for voluntary retirement as well as those who might be searching for other employment. In addition, we are hypothesizing that Thrift Savings Plan losses and the lack of availability of alternate employment in general are two highly visible and publicized factors that could be contributing to the downturn in attrition rates.

19.Why do these trained officers leave and where are they going?

Response: In the first six months of FY 2009, five officers have left the USCP to work for the FBI, one for the Department of Homeland Security, one for the Pentagon Force Protection Agency, two for the U.S. Air Marshall Service, and one for the U.S. Department of State. These are a few examples of where some separated officers have gone.

In prior years, the Department was inconsistent in its efforts to capture exit information from departing employees. Because this data is critical to our ability to successfully achieve elements of our Human Capital Plan, we have recently implemented a voluntary online exit survey instrument to capture comprehensive data from employees who separate from the Department. To date, the minimal data collected from a limited number of departing employees is insufficient for trend analysis. It should also be noted that employees cannot be compelled to take the survey or to disclose their reasons for departure.

The Department does enjoy a much lower attrition rate than other federal partners like the Department of Justice, i.e., 8.27% compared to DoJ's estimated 11.04% separation rate in 2008. (Note: DoJ's separation rate was extrapolated from June and July 2008 separation rates reported on OPM's web site. Additional monthly or summative annual data was not available for further comparison.) In the future, we expect our new online survey instrument to provide more comprehensive separation data, which will be used to assist us in managing our workforce planning efforts. Finally, we are currently conducting a Human Capital Survey (climate survey) of our workforce, which is also designed to give us insight into our onboard employees' work life perceptions. We plan to use the findings from this survey to improve our management efforts, as well as to implement adjustments to our operational, administrative, and work life programs to become a more efficient organization.

20. Can you tell us in recent years how many officers have retired on immediate annuity each year?

Response: All of the employees who retired (as indicated in the table below), regardless of the type of retirement, receive an immediate annuity.

Sworn retirement data for Fiscal Years 2004-2008 is shown below (includes voluntary and mandatory retirements):

Sworn Retirements (Immediate Annuity) by Category FYs 04-08

FY	Mandatory Retirement	Voluntary Retirement	Disability Retirement	Total
04	21	17	0	38
05	8	25	3	36
06	5	38	2	45
07	7	21	1	29
08	7	24	1	32
Total	**48**	**125**	**7**	**180**

21. There have been recent stories in the Post describing the problem of large numbers of police retirees in local law enforcement agencies retiring on disability at a relatively young age. What portion of your retirees are going out through the disability retirement system rather than normal civil service annuities?

Response: There is very little advantage in retiring on disability prior to eligibility for retirement under the U.S. Capitol Police Retirement Act for USCP sworn personnel, who have a highly competitive retirement system. A total of 3.9% of our retirees have retired as a result of disabilities from FY 2004 through FY 2008.

Sworn disability retirement data for FYs 2004-2008 is shown:

- FY2004: 0
- FY2005: 3
- FY2006: 2
- FY2007: 1
- FY2008: 1

Pay parity:

22.With respect to the pay levels for sworn officers, I want to confirm that our understanding is correct that salaries for your officers are highly competitive. Data supplied by our staff indicate that a starting salary for a new USCP recruit, after FLETC training, is $53,677. Salaries for new uniformed Secret Service officer and Washington Metropolitan Police are about $5,000 less, and New York City Police, who live in a very high cost are, earn $13,000 less. Are Capitol Police, at least for new officers, pretty much the highest of any comparable force?

Response: Indeed, USCP salaries for law enforcement officers are highly competitive, because we have worked closely with the Congress to insure we have the tools necessary to recruit and retain the highest quality of officers in order to carryout our mission of protecting the Congress and the legislative process. In 2003, when the U.S. Air Marshall's program had a higher pay system, the Department experienced one of its largest sworn attrition rates in recent years. To address the issue of retention, we worked with the Committees to develop a pay structure and benefits package needed to be highly competitive.

Upon appointment, recruits earn $54,338 annually. After all training is complete, which takes about 26 weeks, to include the FLETC-GA, USCP Academy and field officer training programs, when completed without interruption, recruits are promoted to the rank of Private with training and earn

$57,773 per annum in basic pay. Metropolitan Police Department (Washington, DC) recruits start at $48,715 and receive $50,761 after completion of training. Secret Service Uniformed Division recruits start at $50,787. New York City Police Department recruits earn $43,062 upon appointment, and Pentagon Force Protection Agency recruits start at $50,787.

However, one well-known agency has even a more highly competitive pay program than the USCP – the California Highway Patrol (CHP). Cadets earn a monthly salary of between $4,030 and $5,064 while attending the CHP Academy. In addition, cadets receive free room and board. Effective the first month following their Academy reporting date, cadets receive full health and dental benefits for themselves and their dependents. Cadets also earn an additional seven hours of mandatory overtime per month. Immediately after graduating from training, an officer's base pay is $65,184 per year.

23. Are there similar numbers available in terms of pay comparability for more experienced officers?

Response: USCP is working toward developing a more detailed comparability analysis for more experienced officers. Specifically, we are in the process of hiring a new Compensation Officer, a position that has been vacant since November 2008. This is a key position in the Office of Human Resources, because compensation information is closely held by most police departments. We were able to perform a preliminary analysis, however, which indicates that the USCP has a highly competitive compensation program for its more experienced officers. The Metropolitan Police Department (MPD, Washington, DC) has police officer pay schedules posted on their website, and the California Highway Patrol (CHP) also provides a forecast of pay after five years of service. Comparisons of base pay salaries after five years of service with the two agencies mentioned are illustrated below:

- USCP: $66,040
- MPD: $61,698
- CHP: $79,248

24. Using the last year for which data is available, how much did the average new Capitol Police private make his first full year including overtime? Also give us the average for all sworn officers.

Response: In their first year on the job after training (as a "Private with training"), recruits make $57,773 in annual salary, and an average of $9,768.00 per person for overtime for the first 14 pay periods of FY 2009. (Annualized for the entire year this would be $18,141.00, if current overtime usage were to continue at its current rate.)

Adjusting for additional overtime for Inauguration (at 10.1 hours or $400 per person), each officer will have made an average of $17,741 in his or her first year after training. The average salary, including overtime, for all USCP sworn officers was $90,055 in FY 2008. Adding benefits at 33.5% (or 7.2% for OT hours), an average of officers' total compensation was $116,786.

Inspector General report on travel:

25. Chief Morse, last month the Inspector General issued a report describing a number of significant problems with the handling of travel funds by the Capitol Police. Reading from that report, it indicates that "the Department did not ensure that costs claimed were accurate, allowable or even that they occurred." The IG also criticized the Department for using blanket travel vouchers rather than individual travel orders, particularly for the Protective Service. Can you tell the Committee what steps are being taken to address these concerns?

Response: The Department generally agrees with the findings of the Inspector General's report. Many of these issues were identified over the past year by the Department and we have been taking steps to take corrective actions. We are taking the following steps to address the recommendations:

- The USCP Travel Policy has been revised and is currently being utilized as an Office of Financial Management (OFM) interim guidance. The final agency-wide version is in the final stages of review and approval.
- New travel card holders will be required to undergo online training of the USCP Travel Policy before receiving cards. Additionally, OFM will utilize similar online training to provide refresher courses to all cardholders multiple times during the year.
- A notice is being drafted to direct the Bureaus/Offices to clearly identify re-submissions or copies of travel vouchers, so these do not result in duplicate payments. Additionally, OFM has created a database to log submitted travel vouchers by employee name, travel date, and trip

- Additional guidance is being prepared to be distributed to Bureaus/Offices reiterating their responsibilities as authorizing officials to be familiar with the Federal Travel Regulations and the USCP Travel Policy and use it to oversee travel activities within their areas of responsibility. In the meantime, OFM is developing a course for future mandatory training.
- OFM is currently evaluating the feasibility of several options for electronic processing of travel authorizations and vouchers, including an automated travel management system, which would record estimated costs in Momentum (our accounting system) prior to travel in order to ensure that funds are available in advance throughout the year and liquidated in a timely manner.

Library of Congress police merger

26. What is the current status of the merger of the Library police into the USCP force? We understand that several suits opposing the merger based on charges of age discrimination may have been submitted in the federal courts last week.

Response: In October 2008, the Department transferred four Library of Congress (LOC) civilians to the USCP per the enacting legislation, who provide administrative support to the LOC Division.

Currently, there are 61 LOC sworn officers who have been determined to be eligible for consideration to transfer to the USCP as sworn officers based on the statutory requirements. This total may decrease based on the final certification of eligible sworn transferees against the standards set by the Capitol Police Board.

Likewise, there are currently 23 LOC sworn officers who have been determined to be ineligible for consideration to transfer to the USCP as sworn officers, because they cannot meet the statutory requirement for 20 years of "continuous" federal service prior to becoming 60 years of age. These individuals will transfer to Department as civilians (i.e., as "civilianized" former officers) on October 11, 2009, which is the 1st day of the 1st pay period following the completion of the merger transition period.

The Department is also finalizing the positions that may be civilianized in order to support the transition of the Library of Congress sworn to civilian employees. The positions being considered are:

- LOC Dispatchers (Currently a sworn assignment.)
    - Call Takers
    - Computer Emergency Notification System (CENS) Messengers
    - Deaf Pager Notifications
    - Fire Panel Monitors
- Firearms Range Instructors (Currently a USCP sworn assignment)
- LOC Exit Inspections (Currently a sworn assignment. Two positions and one relief position)
    - CVC Exit Inspection Post
    - Cannon/Madison Tunnel Exit Post
- LOC Division Support

We plan to have decisions on the civilianization of these positions by mid-June, 2009. These employees will transition into civilian positions on October 11, 2009 in accordance with the merger statute.

Currently, the Library of Congress utilizes sworn officers to staff their dispatch operation. This operation is intended to continue to reside within the LOC until the USCP's new radio system is implemented. Therefore, we intend to look at utilizing up to sixteen of these civilianized employees for this purpose. This will allow us to reallocate the sworn resources currently used for this purpose to meet other critical security requirements upon the merger transition completion. We also intend to consider these civilianizing employees for exit screener positions at the LOC, as well as for monitoring of the exits to ensure that collection materials are not removed from the LOC, and to support the LOC division. Additionally, three civilianized employees are certified firearms instructors and will be considered for placement at the USCP firearms range, which may result in the reallocation of current USCP sworn resources to other critical mission needs. Finally, any transferring civilian employee who does not get placed into any of these opportunities, because of a lack of knowledge, skills and abilities necessary to meet the position requirements, will be placed at the time of transition into a mission support function within the Department where their knowledge, skills and abilities are better suited.

Additionally, the Department has completed the first of two training sessions for LOC sworn officers who are eligible for consideration to become USCP sworn officers. All of the 32 LOC sworn officers attending the first training

session have successfully completed the curriculum. The second training course will include the remaining 29 LOC sworn officers who are eligible for sworn consideration and is scheduled to begin June 22nd and will conclude on August 22nd,. Meanwhile, we are conducting a review of the other eligibility criteria for these individuals, as prescribed by the Capitol Police Board's Library of Congress Lateral Qualification Standards.

Following the completion of training and eligibility reviews, those eligible LOC sworn officers who meet the prescribed lateral transfer standards will be presented to the Chief of Police for certification. We intend to complete the certification process by early September, 2009 and the official swearing-in of the sworn employees by September 27, 2009, in order to maintain the law enforcement mission at the LOC when the jurisdiction transfers to the USCP on October 1, 2009.

Those LOC sworn officers eligible for sworn consideration who do not successfully meet the prescribed hiring standards will transfer as civilian employees in accordance with the statute and will be placed according to the mission needs of the Department at the time of transfer.

The Department plans to coordinate with the Library of Congress to arrange for a ceremony to commemorate the contributions of the Library of Congress Police, ceremonially transfer the authority from the Librarian to the Chief of Police and to welcome the transferring employees into the sworn and civilian ranks of the Capitol Police. We will continue to update the Committees as the plans for this ceremony develop.

Following the completion of the transition, the Department plans to backfill the vacated sworn positions, up to the approved backfill levels. Based on the final backfill requirement, the Department may need to request an increase in the number of authorized backfill, so as to maintain a sworn staffing level of 154 sworn officers at the LOC Division, until such time as a threat analysis and facility security survey can be completed and a final staffing pattern may be determined.

Further, the Department is continuing its work with the LOC to finalize property and financial management transfer matters, as well as space and support requirements for the LOC Division following the transition. The Department is finalizing a holistic concept of operations (CONOPS) for the LOC law enforcement mission, to include technical and physical security, in

coordination with the LOC. Following the adoption of the CONOPS, the USCP and LOC plan to complete memoranda of understandings to implement necessary operational and support functions for this mission following the merger transition period.

There is ongoing litigation related to the ongoing merger of the United States Capitol Police and the Library of Congress Police. The Department is aware of the individual lawsuits filed to date and cannot comment further here on actions pending in a court cases.

27. Assuming the courts allow the merger to move forward, will the 2010 budget complete this process?

Response: The Department has included in our FY 2010 budget request the annualization of projected transferring employees' salaries and general expenses. Additionally, we have included the first portion of the funding request necessary to support physical and technical security integration. We plan to include the second phase of this request in our FY 2011 budget request, as appropriate. Additionally, when the Department completes its post-merger threat assessment and facility security survey, we may require additional staffing and resources to enhance the Library of Congress mission to USPC security standards.

28. Can you summarize for us the results over the last several years of the effort to absorb or find other opportunities for as many of the Library police employees as possible?

Response: There are currently 23 LOC sworn officers who have been determined to be ineligible for consideration to transfer to the USCP as sworn officers, because they cannot meet the statutory requirement for 20 years of "continuous" federal service prior to becoming 60 years of age. These individuals will transfer to Department as civilians on October 11, 2009, which is the 1st day of the 1st pay period following the completion of the merger transition period.

The Department is also finalizing the positions that may be civilianized in order to support the transition of the Library of Congress sworn to civilian employees. The positions being considered are:

- LOC Dispatchers (Currently a sworn assignment.)

- Call Takers
- Computer Emergency Notification System (CENS) Messengers
- Deaf Pager Notifications
- Fire Panel Monitors

- Firearms Range Instructors (Currently a USCP sworn assignment)
- LOC Exit Inspections (Currently a sworn assignment. Two positions and one relief position)
  - CVC Exit Inspection Post
  - Cannon/Madison Tunnel Exit Post
- LOC Division Support

We plan to have decisions on the civilianization of these positions by mid-June, 2009. These employees will transition into civilian positions on October 11, 2009 in accordance with the merger statute.

Currently, the Library of Congress utilizes sworn officers to staff their dispatch operation. This operation is intended to continue to reside within the LOC until the USCP's new radio system is implemented. Therefore, we intend to look at utilizing up to sixteen of these civilianized employees for this purpose. This will allow us to reallocate the sworn resources currently used for this purpose to meet other critical security requirements upon the merger transition completion. We also intend to consider these civilianizing employees for exit screener positions at the LOC, as well as for monitoring of the exits to ensure that collection materials are not removed from the LOC, and to support the LOC division. Additionally, three civilianized employees are certified firearms instructors and will be considered for placement at the USCP firearms range, which may result in the reallocation of current USCP sworn resources to other critical mission needs. Finally, any transferring civilian employee who does not get placed into any of these opportunities, because of a lack of knowledge, skills and abilities necessary to meet the position requirements, will be placed at the time of transition into a mission support functions within the Department where their knowledge, skills and abilities are better suited.

29. [sic] Miscellaneous

30. Congressman Farr, who is a senior Member of the Committee, has asked us about staffing in the Cannon tunnel, where there are often long lines. He asked why, with so many Capitol Police manning the tunnel, why the second magnetometer could not be opened to relieve crowding. It seems like a good idea to me. What can you tell us about visitor screening for the Cannon Tunnel?

Response: As you are aware, the opening of the Capitol Visitor Center was intended to facilitate the expeditious and safe entrance of visitors and staff led tours by having four screening locations at the South Entrance and four screening locations at the North Entrance for a total of eight screening points at the CVC entrance.

In the year from March 2008 - March 2009, a review of the pedestrian count data revealed that the officers assigned to the Cannon Subway conducted security screening on over one-half of a million individuals (512,797). In the time frame preceding the CVC's opening, the Cannon House Office Building Tunnel was manned by six to eight (eight for special events) officers who operated the second screening point. At full staffing of six or eight, USCP had to pull officers from other assignments to cover the Cannon Subway or had to have officers work overtime to cover this post assignment. In December 2008, when the CVC opened, the additional USCP officers were shifted back to their primary functions and other assignments within House Division. Also, security screening at the Cannon Subway is, by design, slower than security screening at the entrance doors of the legislative office buildings, because officers are hand searching bags for additional prohibited items that may be allowed in the office building, but are not allowed into the Capitol and CVC.

Post the CVC opening, the Cannon Subway is staffed with a minimum of four officers at one screening location. Each officer serves a particular function in the screening process. When special events dictate, staffing is increased to six officers through overtime or shifting resources. The staffing of six officers provide the ability to use the additional screening point with a focus on screening staff and official business visitors separate from the staff led tour lines, which account for a large portion of the back-up.

For comparative purposes, the House Division reviewed staff led tour statistics from December to March to the time period just prior to the CVC's opening versus the time period post the opening. These are provided below:

December 2007 – March 2008: Approximately 67,331
December 2008 – March 2009: Approximately 17,299

Although we would be happy to discuss the results of our research and the cost-benefits analysis we have performed with the Committee and Congressman Farr, we believe that this decrease of approximately 50,000 staff led tours

utilizing the Cannon Subway does not justify opening a second screening point on a regular basis, especially considering the cost of the resulting overtime. Opening an additional screening location would not provide additional security to the community or increase the opportunity to detect prohibited items from entering the Capitol or CVC. The addition of more officers at the Cannon Subway will necessitate a readjustment of Department resources either by decreasing staffing at the CVC, increasing staffing at the House Division, and will result in a gap in service for other House Division assignments. Either of the options will require the accrual of overtime to make the necessary adjustments.

Staffing:

31. The Committee understands that both an internal USCP study and a subsequent study by ELS concluded that the USCP has been using an inaccurate staffing formula that overestimates officer availability. Does the USCP believe that the staffing availability formula that the USCP currently uses is inaccurate? If so, has USCP adopted that new staffing formula for the staffing projections made in the Department's FY 2010 Budget Estimate? If not, why not?

We understand the Department is still using a staffing formula of 1,656 hours. Would it make more sense to adopt the realistic staffing formula (1560 hours per year per officer) than to keep projecting staffing needs based on a discredited formula?

Response: Since the ELS study was completed, the Department has adopted the revised sworn staffing utility number of 1560 to calculate our sworn staffing requirements, excluding certain specialty assignments, as well as our overtime needs. Some sworn assignments, such as canine, dignitary protection, and Containment Emergency Response Team (CERT) have specific training and qualification requirements which affect the utility number.

In prior years, the Department used a sworn staffing formula of 1656, which we believe inaccurately calculated the available time that a sworn officer was available to work core mission requirements. We believe this was a direct contributor to our inability to properly project sworn staffing and overtime requirements.

The Department's staffing projection estimates in the FY 2010 budget request were based on actual expenditures in previous fiscal years and therefore did not rely on the sworn staffing utility number.

ELS Implementation Team

32. The Committee understands that the Department formed an ELS Implementation Team in August 2008. The Committee also understands that during the past 8 months, the ELS Implementation Team has made little if any progress on the two priorities given it: (1) an analysis of current USB staffing versus ELS recommendations, and (2) an assessment of implementation of pre-screeners for all buildings. Is that true? If so, why is that?

Response: The Department views the Enlightened Leadership Solutions (ELS) Manpower Study (the Study) as a living document of guidelines and methodologies from which the Department can develop and manage its sworn manpower requirements. Because the threats facing the Capitol Complex are ever changing, items may be added to the list of recommendations as these threats and mission requirements change. Likewise, recommendations may be removed, because they are completed, determined as not feasible or overcome by events.

Built into the Study are new security protection and response protocols, as well as reviews and recommendations from previous security studies. After the Study was reviewed by the Government Accountability Office and others, additional processes were added, such as budgeting in a threat-based approach in order to ensure holistic analysis, consideration and implementation.

Efforts to Date:

As a first step in implementing the Study's recommendations, the Chief of Operations reviewed and prioritized the Study's recommendations base on the current threat level facing the Capitol Complex. The Department is in the process of documenting this decision making process in a recommendation action and tracking matrix described below.

As a result of his review, the following mission sets received top priority for review and implementation of recommendations: the Capitol Division (CD), to include the Capitol Visitor Center (CVC), the Hazardous Incident Response Division, the Protective Services Bureau's Intelligence operation, the

Containment Emergency Response Team (CERT), and the Truck Interdiction Program.

To begin the implementation process, the Department stood-up the Team, with limited membership from the Office of the Chief of Operations and the Uniformed Services Bureau (USB), as well as some mission support organizations. This Team was charged with a very narrow charter, which was related to the implementation of recommendations within the USB divisions.

Meetings were scheduled several times since the October 17, 2008, but due to the planning meetings for the Inauguration, opening of the CVC, and other mission requirements, they were all postponed.

However, during this same time period, the other bureaus and offices within the Department were directed to review the findings and recommendations contained within the Study that focused on their areas of responsibility. They were also directed to implement those recommendations which they felt were feasible, created efficiencies in implementing the mission and required no new personnel or resources to implement.

Many of the changes made or that will be made to theses areas can be done by optimizing the resources (staffing) that we have currently. For example, we are realigning within the Capitol Division by optimizing the personnel we currently have assigned. In addition, we are realigning the Civil Disturbance Unit (CDU) and Hostage Negotiation Team (HNT) to the Mission Assurance Bureau (MAB) in an effort to group mission responsibilities for efficiency. Neither action requires additional resources to accomplish these recommended efficiencies.

Although the Team has not met formally since its development, the Department has implemented many ELS recommendations or taken actions in order facilitate the future implementation of recommendations in both the USB and other organizational elements throughout the Department.

These include:

Mission Efficiencies:

- Conducted load leveling of Operational units to ensure proportionate staffing across the Department.

- Standardized breaks across divisions to a 1 to 4 ratio.
- Changed the CODEL footprint, so that roles are performed during deployment in line with how they are performed on the Capitol Complex. For example, MAB now operates the Command Vehicle when deployed for CODELs.
- Reviewed the requirements for a podium camera program and are working toward the implementation of the program.
- Restructured the Capitol Division in order to address the additional threats resulting from the Capitol Visitor Center operations.
- Implemented the assignment of Protective Services Bureau intelligence/threat agents traveling with the Speaker's detail.
- Standardized the make up of leadership protective details with Dignitary Protection Division to 7 agents, except for the Speaker's detail.
- Audited the K-9 function. K-9 has undertaken a 4/10 work schedule for better efficiency in meeting its mission set. The Chief of Operations is evaluating K-9 stopping its search & rescue program and the patrol dog program, implementing a vapor wake detection program to meet emerging threats.
- Directed that all POAs and Operation Orders go through MAB and the Office of the Chief of Operations to create a historical record of activities and operational decision-making, as well as to standardize the process for developing and implementing them.
- Trained over 1,000 sworn in x-ray security screening protocols and podium training to better identify and address threats.
- Reviewed and revised the screening standard operating procedures and training for barrier access, and entry points and doors, in order to standardize the processes across the Complex. We have also reviewed and revised the directive addressing screening and it is now being vetted as a part of the Department's directives modernization project.
- Purchased and installed computer x-ray image interpretation software on division computers to enhance the officer's ability to detect threats in x-ray images.
- Training all recruit classes in detecting surveillance techniques to enhance officers" ability to detect individuals conducting surveillance, to elicit information from the individuals during conversations, and to determine what actions to take based on the information obtained.

Staffing Efficiencies:

- Approved revisions to the CP-1301 system to better manage overtime (OT) by improving how we draft and manage assignments. While the CP-1301 process modification has been approved, the assignment of overtime is currently being reviewed and negotiated as part of the Fraternal Order of Police Union Contract.
- Established a standardized positioning of officers at security screening posts (doors) to ensure the officer are optimally positioned for mission effectiveness and officer safety reasons, and to ensure consistency of operations.
- Included 76 new sworn officers in the FY 2010 budget request in order to reduce overtime and increase capability to address threats.
- Reassigned outside patrols to the House and Senate Divisions for better efficiency and effectiveness in addressing threats.
- Audited the CERT function – the Assistant Chief has provided tentative approval to restructure CERT.
- Audited the Hazardous Materials Response Team (HMRT) program - Letters are being prepared for the Capitol Police Board's concurrence to reorganize this function to meet the current threats facing the Complex.
- Audited and reorganized the Truck Interdiction Program (TIPS), in order to return officers to posts
- Directed TIPS midnights staffing reductions.
- Directed the integration of all divisions within the Patrol Mobile Response Division (PMRD) into one holistic operation, rather than focused units like heavy motors, mountain bikes, TIGER, etc.
- Increased the utilization of technology at the Offsite Delivery Center, in order to return officers to other priority post requirements.
- Automated the Officer Voluntary Reassignment Program.
- Migrated the Security Services Bureau (SSB) to a 4/10 work schedule for better efficiency in meeting their mission.
- Migrated the Mission Assurance Bureau to a 4/10 work schedule for better efficiency in meeting their mission.

Interim Steps Necessary to Implement Recommendations:

- Incrementally increased the Dignitary Protection Division (DPD) to reduce overtime utilization and better meet the mission. Although DPD is not staffed to the ELS recommendation level, we are migrating to that point based on threat analysis and evolving mission.
- Included the intelligence capability business case in the FY 2010 budget request. (This was previously requested in FY 2009, but not funded.)

- Assigned recruit officers to USB directly from officer training for distribution following their field training.
- Implemented revised protocol, so that officers can transfer into Patrol Mobile Response Division (PMRD) without a formal selection process. This has added to better efficiencies in addressing emerging staffing requirements in a timely manner.
- Assigned HMRT to conduct random sampling of deliveries at the Offsite Delivery Center to leverage their staffing and mission capabilities.

Work in Progress:

- Completed the gap analysis template for the House Division. All other divisions within the Uniformed Services Bureau, except for the LOC Division, are due by June 1, 2009.
- Conducted an assessment of applying a 4/10 shift to the Chambers, but this analysis determined that there would be offsetting staffing needs, so implementation has been suspended at this time.
- Directed that a study be conducted to review civilization of the USCP Command Center. To accomplish this effort we are looking at using the Wounded Warrior program for this purpose.
- Approved the movement of Civil Disturbance Unit to the Mission Assurance Bureau (MAB). The Department is currently working on the implementation.
- Approved the movement of the Crisis Negotiation Team to MAB. The Department is also working on this implementation.
- Reviewing operational requirements for the staffing of the Communications activities. Originally the Department considered the civilianization of Communications, but based on additional analysis, we decided to make Communications all integrated sworn activity. These sworn officers will rotate between duties within Communications to better utilize available resources and achieve efficiency in the delivery of the mission set.
- Implementing upgrades to version 8.3 of Workbrain, so we can adopt electronic scheduling.

33. What deadlines does the ELS Team have to accomplish its work? If none, how can the Committee expect this process to move forward since it has not done so during the past 8 months?

Response: Over the next two years, we plan to manage three parallel processes to achieve the overarching goal of determining the total full time equivalent (FTE) requirements needed to perform our mission.

In the first year, we intend to continue our efforts to review the recommendations contained in the ELS Manpower Study (the Study) and validate the overall post requirements based on current conditions. As a part of this effort, we plan to implement those recommendations that we determine will enhance our mission capabilities and/or achieve staffing efficiencies. Additionally, we intend to make another incremental step toward reaching our optimum staff leveling through our Force Development (FD) budget formulation process, which is described below. Concurrently, we plan to undertake the analysis and validation necessary to determine the total Full-Time Equivalent (FTE) requirements needed to meet the validated mission requirements. In order to account for variances in performance and changing mission requirements, we plan to develop and validate the additional FTE ratio necessary to offset these factors.

In the second year, we will use our annual threat assessment of the risks facing the Capitol Complex to validate or revise the identified mission requirements. We intend to make the necessary adjustments to our identified requirements for use in formulating the annual budget request. Additionally, we intend to utilize this assessment to validate or adjust the total FTE requirements necessary to achieve our mission and decide how the Department intends to manage these FTEs to meet the mission. This evaluation will determine the level and ratio of staffing (sworn or civilian), overtime, outsourcing and technology to be used to address each mission set within the total FTE ceiling.

In out years, these baselines will be adjusted based on the findings of the annual threat assessment and identified changes in the mission. These documented and validated changes will serve as the basis for our evaluation of budgetary resource requirements.

In an effort to formalize the Department's efforts to validate and utilize the recommendations and methodology contained in the Study, the Department has developed a multi-tiered approach to institutionalize the processes.

ELS Manpower Study Recommendations Action and Tracking Matrix:

To better document the Department's ongoing efforts to utilize the Study's recommendations and methodology to determine the staffing and overtime requirements necessary to meet the various subsets of our mission, as well as achieve business process reengineering, we are implementing a formal tracking matrix for the recommendations contained in the Study. This matrix will be used to assist the Department in our evaluation and prioritization of initiatives to be considered in our annual budget formulation.

We plan to catalog each of the recommendations contained in the Study on this matrix, as well as add new recommendations based on emerging threat or mission requirements. We also plan to capture the outcome of the feasibility review conducted on each recommendation, the management decisions or authorities governing the implementation, the preliminary list of resource requirements, training and competencies required, and the status of the implementation effort.

In order to utilize this matrix in the FY 2011 Force Development Process (a budget formulation process described below), the Department plans to create and populate the matrix by the end of May 2009.

Process 1 - ELS Implementation Team (the Team):

The ELS Implementation Team (the Team) was formed in October 2008 with limited membership and focus to begin the implementation of the Study's recommendations within the Uniformed Service Bureau (USB. However, the Team is being reconstituted to ensure that the appropriate senior management is involved in the evaluation, prioritization, validation and utilization of the Study's processes and recommendations to determine staffing requirements necessary to meet our mission in the most efficient and effective manner.

One of the first focuses of the Team will be the continuation of the systematic review and validation of each of the recommendations for USB based on current threats, Capitol Police Board standards for security, evolving mission requirements and the ability of our infrastructure to support the efforts. We expected that this effort will be achieved during May 2009.

As a part of this review, the USB Commander, Deputy Chief Thomas Reynolds, will be asked to continue his review all of the ELS recommendations within his purview with the USB Division Commanders, in order to determine the feasibility and the necessary resources required to implement each action. This

effort will result in a determination of those recommendations that can or should be implemented, as well as those that cannot or should not be implemented. Additionally, the Team will continue its formal review and validation of the gap analyses being conducted on the Capitol, House and Senate Divisions. The gap analyses are being conducted utilizing a standardized template developed for this purpose. The results of the analyses will be submitted to the Chief of Operations for review and concurrence, as well as the approval of the Chief of Police.

The House Division's gap analysis was recently completed by the Division, but requires additional revision to align it to the Study's future state staffing level in order to ensure that we are utilizing a consistent methodology in our implementation approach. The Senate and Capitol Division's gap analyses are due by June 1st to the Office of the Chief of Operations. The Department plans to undertake a risk assessment of the Library of Congress (LOC) following the transition of the law enforcement functions from the LOC to the USCP in October 2009. Therefore, the LOC Division was not tasked with completing the template mentioned above by June 1st.

This LOC review will include a threat analysis, as well as a facility security survey, of the LOC's facilities to determine the risk and threat levels requiring mitigation. These findings will be applied to a gap analysis to determine the appropriate staffing levels required to staff the LOC mission under the USCP's sworn staffing model, as well as potential alternate staffing models for Capitol Police Board consideration. Based on the identified threats facing the LOC facilities, the USCP may utilize its existing sworn staffing model or an alternate model which best mitigates the identified and validated risks. We believe that this threat analysis will be completed during the second quarter of FY 2010.

Similarly, the Capitol Division will undertake a staffing review and gap analysis of the CVC to review the current sworn staffing pattern against the identified threats and known mission requirements. Since opening to the public in the fall of 2008, the CVC's operating assumptions have changed and the alignment of posts was altered from the original planning assumptions. To address these changes – many of which resulted in new posts or extended/expanded hours of operations, the Capitol Division has had to realign staffing within the Division and utilize overtime to meet the mission. We believe that this staffing and gap analyses will be completed by the end of June 2009.

Both of these analyses are expected to generate additional recommendations for consideration.

Upon operational approval of the identified implementation strategy, the USB Division Commanders and the process owners within the divisions will be responsible for developing the action plan for implementation of those recommendations that require little to no additional resources. These action plans and the Division's progress in meeting these goals will be monitored by the Team.

Those recommendations requiring significant resources will be prioritized for consideration as a part of the USB Commander's environmental assessment during the Force Development (FD) Process described below.

Process 2 - Force Development Process:

To ensure a broad-based validation and implementation process, which incorporates all aspects of the Department, the Study's methodology and recommendations will also serve a basis for the Department's Force Development Process's Environmental Assessment. This process is used to evaluate and prioritize the department's overall resource requirements. The process will begin in June 2009 as a part of the FY 2011 budget formulation process with a kick-off meeting of the Investment Review Board (IRB), which is comprised of members of the Executive Management Team (EMT); an environmental assessment that will build on the USB and other organizational elements' implementation components to date; and the completion of the USB gap analyses. These recommendations, as well as other requirements necessary to implement ELS recommendations will be prioritized and considered for inclusion in the Department's annual budget request. Likewise, the IRB will be charged will review existing programs against threats and developing a list of potential offsetting reductions in programs or resources.

We plan to issue a guiding document on how this integration will occur in June 2009, which will detail what elements of the Study should be focused on during this year's Force Development Process.

Following the Environmental Assessment (EA), the IRB will determine those initiatives which will be developed further as a part of the preliminary planning process. Each initiative will have a process owner assigned to develop and present an issue paper for consideration. The results of the IRB's review of the

preliminary planning issue papers will be presented to the Executive Team (ET). The ET will determine those initiatives that will be pursued further in the budget formulation process. Additionally, programs that are identified for revision or elimination as a result of the EA will be required to prepare an issue paper for consideration by the IRB.

The process owners for those initiatives determined by the ET for further consideration will develop business cases to fully explore all of the aspects of the potential budget item. During the business case development process, the process owners will be required to present their business case to a panel consisting of members of the Senior Management Team (SMT), as well as to a costing group who will fully evaluate the support and resource requirements associated with each initiative. These intermediate reviews will assist the process owners in further refinement of the business cases.

In prior processes, initiatives were removed from consideration, because they were determined to be unfeasible during the business case process.

Once the process owner has completed their work in developing and vetting their respective business case, the process owners will present their business cases to the IRB for final consideration. The IRB will rate and rank each initiative and the final prioritized list of recommendations and initiatives will be presented to the ET. The ET will then determine those items that will be included in the Department's FY 2011 budget formulation and submission.

Training Working Group:

The Training Working Group (TWG) will be charged with working with the process owners in developing the training requirements associated with each business case under consideration. Additionally, the TWG will continue to work with bureaus and offices to integrate competencies and training requirements into their recommendation implementation process.

Process 3 - Overall Mission Requirements:

In order to balance the sworn staffing requirements versus the need for overtime, the Department must validate the total number of sworn FTE necessary to achieve the Department's mission. To do so, we plan to use the ELS Manpower Study data as a baseline for reviewing each post against current threat and mission requirement. This validation will determine the total number

of staff hours necessary to achieve the mission and the best methods for achieving these requirements, such as the appropriate ratio for sworn staffing, overtime, outsourcing, and the utilization of technology. We expect this effort to take two years to complete. To accomplish this effort, the Department is reviewing its need for a dedicated analyst and evaluator for this role.

We are addressing staffing requirements, overtime management and the implementation of ELS recommendations as a priority this year and have reassigned some of our key staff to help us reach the objectives we have outlined above. If circumstances beyond our control dictate that we divert any of these staff into other priorities we will need to adjust our schedules and plans accordingly.

Building Screening Activities

34. The Committee understands that the ELS study recommended changes to the way that building screening, and pre-screening activities, are conducted. Please explain what changes are going to be implemented, if any, and the timeframes for implementation. Will we see any changes during the current fiscal year, or are any funds requested in FY 2010 for these activities?

Response: We have already implemented many changes to our security screening to buildings:

- We revised our standardized operating procedures (SOP) to ensure a standardized security screening program across the Hill. We also included industry best practices in this area to provide the optimal level of protection to the Capitol Complex.
- We have trained over 1,000 Uniformed Services Bureau officers, sergeants, lieutenants, and security aides on the new security screening SOP, which included training on screening equipment.
- In FY 2008, we purchased a computerized x-ray image interpretation program, which will serve as a training tool and testing program. We believe that this will increase the officers' ability to detect threat images (guns, knives, and bomb parts) in x-ray images.
- We have recommended the implementation of the Security Training Evaluation and Assessment (STEA) Program to the Capitol Police Board. This program will assess the operational readiness of our officers at Building Entrances.

- We have recommended the implementation of the Threat Image Projection System (TIPS) to ensure the operation readiness of our officers at Building Entrances, and to increase the officers' ability to detect threat images in x-ray images.
- We have established a standardized positioning of officers to ensure they are optimally positioned to detect and mitigate threats, and to enhance officer safety.
- We have placed pre-screener officers on the exterior of the doors of the Capitol Building. These pre-screener officers are responsible for allowing only authorized individuals to enter through the doors, directing pedestrian traffic in the area of their doors, and conducting a threat assessment of individuals and objects in the area of their doors. The goal of the pre-screener officers is to detect and stop threats outside of the Building before they can enter. At this time, we cannot put pre-screener officers at every door, because we do not have the overtime budget or FTEs available to do so. Instead, we have placed as many as we can at the highest priority doors- at the Capitol Building.
- To improve screening and security efficiencies, all Capitol Building visitors enter thru the Capitol Visitor Center unless they have an appointment.

To better document the Department's ongoing efforts to utilize the Study's recommendations and methodology to determine the staffing and overtime requirements necessary to meet the various subsets of our mission, as well as achieve business process reengineering, we are implementing a formal tracking matrix for the recommendations contained in the Study. This matrix will be used to assist the Department in our evaluation and prioritization of initiatives to be considered in our annual budget formulation.

We plan to catalog each of the recommendations contained in the Study on this matrix, as well as add new recommendations based on emerging threat or mission requirements. We also plan to capture the outcome of the feasibility review conducted on each recommendation, the management decisions or authorities governing the implementation, the preliminary list of resource requirements, training and competencies required, and the status of the implementation effort.

In order to utilize this matrix in the FY 2011 Force Development Process (a budget formulation process described below), the Department plans to create and populate the matrix by the end of May/early June 2009.

35. Please explain the significance of adding this extra layer of security in terms of personnel requirements.

Response: There are multiple aspects to the significance of adding this extra layer of security in terms of personnel requirements, primary among them the added security and safety of all USCP, Congress, and visitors to the Capitol Complex, as the goal of the pre-screener is to detect and stop threats outside of the buildings before they can enter. The second impact is the potential additional posts that would be created and staffed, generating additional sworn FTE's and/or overtime costs.

Pre-screeners are another layer in the concentric rings of security around the Capitol Building and the Capitol Complex. These pre-screeners are responsible for allowing only authorized individuals to enter through the doors, directing pedestrian traffic in the area of their doors, and conducting a threat assessment of individuals and objects in the area of their doors. The goal of the pre-screener is to detect and stop threats outside of the Building before they can enter. At this time, we cannot put pre-screeners at every door, because we do not have the overtime budget or FTEs available to do so. Instead, we have placed as many as we can at the highest priority doors—at the Capitol Building.

Currently, we do not have the overtime or the FTEs to staff pre-screeners at each door. Here are potential costs associated with the prescreener posts:

- For a post staffed 7 days a week, 24 hours a day, 1 pre-screener post would cost :
    - $512,191 if we staffed it with 100% overtime.
    - $529,038 if we staffed it with an FTE and overtime
- For a post staffed 5 days a week, 16 hours a day, it costs:
    - $243,900 if we staffed it with 100% overtime.
    - $252,324 if we staffed it with an FTE and overtime

This is calculated on an average officer's (grades 1-6) base salary of $71,930.22, a benefits base of 33.01%, an overtime rate of $55 per hour, and overtime benefits rate of 7.2%.

Civilianization Effort

36. The Committee understands that the USCP is conducting an internal review to determine how many positions currently filled by officers can be filled by civilians, thereby freeing up officers to work in front line law enforcement rolls.

a. What is the status of the civilianization effort?

b. How many positions do you expect will be impacted by this study, and when you do expect to be able to transfer these officers to other positions?

Response: The Assistant Chief of Police has directed that a study be conducted to review civilization of the USCP Command Center, which is ongoing. Therefore, we will not know if this civilianization concept is feasible until the review is completed and what the resulting sworn reallocation might be from the effort. Should we decide to undertake this effort, we are looking at the possibility of using the Wounded Warrior program for this purpose, because of the command structure experiences these individuals have from their previous military careers.

The Department is also finalizing the positions that may be civilianized in order to support the transition of the Library of Congress sworn to civilian employees. The positions being considered are:

- LOC Dispatchers (Currently a sworn assignment.)
  - Call Takers
  - Computer Emergency Notification System (CENS) Messengers
  - Deaf Pager Notifications
  - Fire Panel Monitors
- Firearms Range Instructors (Currently a USCP sworn assignment)
- LOC Exit Inspections (Currently a sworn assignment. Two positions and one relief position)
  - CVC Exit Inspection Post
  - Cannon/Madison Tunnel Exit Post
- LOC Division Support

We plan to have decisions on the civilianization of these positions by mid-June, 2009. These employees will transition into civilian positions on October 11, 2009 in accordance with the merger statute.

Recruitment

37. The FY 2010 budget states that the USCP is requesting funding to support 6 recruit classes.

a. Who determines the class size, and the number of classes, USCP or FLETC?

Response: In February of each year, FLETC requests a projection for training (both advanced and basic) from partner agencies. USCP training needs, along with all other participating agencies' needs, are analyzed by FLETC and FLETC then advises us if our annual training requests based on our February projections are approved in terms of numbers and size of classes needed to meet our annual hiring projections.

The approval typically comes by August of the preceding fiscal year we are requesting. For example, USCP received final approval on the FY 2009 classes fairly late in summer of 2008. FLETC prioritizes Basic Training and Criminal Investigator training above advanced in-service training at Brunswick, Georgia, because there is such a high demand for Basic Police (UPTP) and Criminal Investigator classes.

USCP can request classes by quarter or by whatever frequency we desire, but the class sizes are limited to a maximum of 48 or a minimum of 24. If sufficient time is allotted, the balance of class space is given to other agencies should the USCP not fill each seat for a total class size of either 24 or 48 (depending on what size class was scheduled). FLETC, in recent years has worked to honor the scheduling requests of the USCP to the extent possible.

The USCP's annual appropriation, projected attrition and new mission requirements are deciding factors as to the ultimate size and number of the classes the USCP hires and ultimately sends to FLETC.

b. Would FLETC have the ability to absorb more than 6 USCP classes per year?

Response: We project the number and size of classes each February based on our budget request, which accounts for our projected attrition and mission requirements. If the USCP requested more than 6 classes in a timely manner, FLETC would likely be able to accommodate the request. There are USCP instructor and space limits to the number of

students that the USCP Academy in Cheltenham can facilitate, so that is a deciding factor in our decision-making as well.

c. Is 48 the maximum number of officers that can be included in any given class?

Response: Yes. FLETC uses 48 or 24 as the Student/Instructor ratio for class size, class space, equipment issue, supplies, vehicles, role players, housing space, meals, etc. Scheduling of classes is built around the 48 model and modified for 24. Classes are broken down into halves, so that smaller classes of 24 have their own set of schedules versus the 48, but the conceptual instruction design is built around 48 recruit officers.

38. The Budget Estimate states that 229 recruits will be hired in 2010, but later discussion implies that the number is actually 216. Is 216 the correct number of recruits that you anticipate for FY 2010?

Response: The Department has requested a total of 229 recruits, 216 (140 projected annual sworn attrition, plus the 76 new sworn officers) of which are to reduce overtime, and the remaining 13 of which are to enhance a counterterrorism capability.

39. The Budget Estimate states that with an anticipated separation of 140 officers during FY 2010, the net increase of officers will be 89, with 76 officers assigned in the field, helping to reduce overtime demands. However, there is no discussion of the number of recruits who drop out before being sworn in as officers. The recruit drop-out rate in FY 2009 was about 20%.

a. Why was the recruit drop-out rate not accounted for in the FY 2010 staffing projections?
b. If 20% of the 216 recruits drop out before being sworn in, then that is a loss of about 43 potential officers, which reduces the net increase to only 33 officers for assignment in the field, not 76 as stated in the Budget Estimate, correct?

Response: The recruit drop-out rate so far in FY 2009 is 9.32% (15 of 161), not 20%. The 20% referenced reflects the number of attrited recruit officers versus the total annual sworn attrition. The ten-year average for recruit attrition is 12.21%, ranging from a low of 4.88% in FY 2005 to a high of 30.83% in FY 2008. FY 2007's attrition rate was second highest

at 18.90%. This year's recruit attrition is tracking very similarly to FY 2006, which ended at 9.30%.

The number of officers who are projected to drop out of classes (our "non-completion" rate) was built into the projections for FY 2010. The 2010 request was based on actual position data from FY 2008 and 2009.

40. What are the reasons for such high drop-out rates?

Response: Recruits separate for a number of reasons. There are academic failures that cannot be predicted. While grades and transcripts are examined prior to hiring a recruit, regular high school or college transcripts do not easily translate into a success rate in a police academy.

Attrition for injuries sometimes occurs because of the physical demands of the academy. Often, Performance of Injury cases are recycled into later academy classes. While the Department continues to move toward placing a physical abilities test in the hiring process, which will minimize the amount of physical problems, our newly instituted sworn selection panels currently focus on selecting the most qualified personnel based on the Capitol Police Board Hiring Standards.

Further, several candidates per year realize that police work is not what they expected and decide to leave for other types of work or other law enforcement positions.

Although recruit drop-out data for police academies is closely held information, we have general indications that our average ten year rate (12.21%) is fairly consistent with most other agencies. Further, there are several of our annual recruit attrition rates in the last ten years that are well below that ten year average. Our FY 2008 rate was clearly an anomaly due to 15 of the 41 total drop-outs being released for background investigation issues discovered after appointment. Had this issue not occurred, the recruit attrition rate would have been 19.54%. The Department's recruit attrition rates for the last five years are shown below:

FY2004: 7.59%
FY2005: 4.88%
FY2006: 9.30%
FY2007: 18.90%

FY2008: 30.83%

Attrition

41. Please provide a table showing attrition rates by rank for the sworn side from FY 2005 – FY 2009 year to date.

Response: Attrition rates by rank for FYs 2005-2009 are shown below:

Attrition By Rank and Fiscal Year										
	FY2005		FY2006		FY2007		FY2008		FY 2009 (as of PP7)	
Grade	Total	% of Separations	Total	% of Separations	Total	% of Separations	Total	% of Separations	Total	% of Separations
Chief of Police	0	0.00%	1	0.80%	0	0.00%	0	0.00%	0	0.00%
Assistant Chief of Police	0	0.00%	1	0.80%	1	0.75%	0	0.00%	0	0.00%
Deputy Chief	1	1.22%	0	0.00%	0	0.00%	2	1.46%	0	0.00%
Inspector	0	0.00%	2	1.60%	0	0.00%	1	0.73%	0	0.00%
Captain	1	1.22%	2	1.60%	1	0.75%	2	1.46%	0	0.00%
Lieutenant	1	1.22%	5	4.00%	3	2.26%	3	2.19%	2	3.51%
Sergeant	9	10.98%	12	9.60%	13	9.77%	8	5.84%	4	7.02%
Detective	2	2.44%	3	2.40%	2	1.50%	4	2.92%	0	0.00%
Technician	2	2.44%	4	3.20%	4	3.01%	0	0.00%	0	0.00%
Private First Class	39	47.56%	57	45.60%	69	51.88%	66	48.18%	34	59.65%
Private With Training	21	25.61%	26	20.80%	9	6.77%	10	7.30%	2	3.51%
Private	6	7.32%	12	9.60%	31	23.31%	41	29.93%	15	26.32%
Total	82	100.00%	125	100.00%	133	100.00%	137	100.00%	57	100.00%

Workbrain

42. Page 9 of the FY 2010 budget request notes that the Office of Information Systems (OIS) is requesting an increase of $283,000 for Workbrain Scheduler. On page 67 of the budget, USCP notes that $814,000 and $267,000 were transferred from the Office of Human Resources to OIS for Workbrain in FY 2009.

a. What is the total FY 2009 funding for Workbrain?

Response: The FY 2009 total funding for Workbrain is $799,000. This amount includes $239,000 for time and attendance system programming. The Office of Human Resources continues to require customized software enhancements to ensure the Department's ability to update the Workbrain application to reflect congressional mandates regarding pay, holidays, work schedules, overtime reporting and associated benefits affecting the timekeeping/payroll system. An additional $560,000 had been planned to fund upgrades to the Workbrain system, but the

Department was able to negotiate a better price schedule with an existing vendor who bundled the upgrades into the package they provide us, and we were able to save $250,000 in FY 2009 which we plan to reallocate into a critical agency shortage.

b. What is the total budget requested for Workbrain in FY 2010, and what will be accomplished with that funding? What improvements will this provide the USCP?

Response: The total budget requested for Workbrain in FY 2010 is $1,310,000. This amount was comprised of $814,000 for the Workbrain scheduler to complete the second of two phases for this component, and $267,000 to maintain the Workbrain software, in addition to the development and programming funding discussed in c. below. These funds will provide the USCP with a fully functioning scheduler component.

However, we are currently in the process of evaluating new pricing options with AVUE, who has a business relationship with Workbrain, and may be able to provide the scheduler module at a reduced rate, in addition to the savings we achieved in FY 2009 for the upgrades to Workbrain itself.

c. Is all funding for Workbrain requested in the OIS budget line?

Response: No. Approximately, $229,000 still remains in the Office of Human Resources budget for annual time and attendance report development and programming, which is handled directly by OHR.

43. What is the status of the Workbrain upgrade and Scheduler module? Are those being purchased with FY 2009 funds? What is the timeframe of the project? What activities will be taking place during the remainder of FY 2009 with regard to upgrading this system?

Response: We are in the process of procurement of the upgraded Workbrain version in 2009. The Scheduler module is planned for implementation with 2010 funding. The upgrade is necessary to support the scheduling module. FY 2009 funding will be used for the upgrade; FY 2010 funding will be used for

the scheduler. Once we are done with procurement and have awarded the contract the upgrade should take approximately 3 months from start to finish. We do not have a timeframe on the implementation time for the scheduler module, but rough estimates from vendors are for a 6-month total timeframe from the time of funding obligation and contract award or modification. The remainder of 2009 will be taken up with securing a contract for the upgrade and implementation of such.

Dignitary Protection Division

44. The Dignitary Protection Division (DPD) expends a great deal of overtime each fiscal year, growing from about 303,364 hours in FY 2005 to 479,173 hours in FY 2007 then about 378,328 hours in FY 2008. Given that the FY 2010 budget states that the USCP expended upwards of 405,000 hours of overtime in FY 2008 to meet core mission requirements, what steps is the Department taking to reduce the use of overtime in DPD during FY 2010?

Response: A number of initiatives have been taken to control and minimize DPD overtime expenditures. DPD staffing has been increased to offset staffing shortfalls. DPD has recently identified areas where further efficiencies can be realized. Specifically, DPD is in the process of transferring the "duty desk" operation to the Command Center. This will increase the agents available to work leadership protection assignments and helps to reduce DPD overtime. Further, DPD is building on its relationship with local law enforcement agencies to conduct joint protective taskings.

45. The budget document notes that the USCP is evaluating the requirements for DPD. Is the USCP evaluating the number of protectees and the hours and level of protection for each? Is USCP evaluating the analysis of threats for protectees and other members?

Response: The Department continually assesses and reassesses its protection model for all protectees and provides recommendations to the respective sergeant-at-arms for consideration. Part of that assessment includes an in depth analysis of all threats and direction of interest cases. The Department currently implements the protective services staffing standards as determined by the Capitol Police Board. The Department has recently transferred an additional 12 sworn officers into the Dignitary Protection Division to meet staffing

requirements for leadership details, which had previously been met by utilizing overtime.

Intelligence

46. The Department is requesting funding to support 14 new positions in the Intelligence section, including 11 new privates, 2 new Sergeants, and 1 new research specialist
a. How many officers and civilians are currently performing these activities?

Response: There are currently 14 officers assigned to the Intelligence Section including three vacancies. A vacancy announcement has been published and interviews of the candidates from within the existing force are in progress. Two agents are assigned to the FBI's Joint Terrorism Task Force and the FBI's National Joint Terrorism Task Force. The nine remaining agents are deployed on a daily basis.

The Office of Intelligence Analysis consists of 10 civilian Intelligence Research Specialists of which there are two current vacancies. A selection process has just been completed with only one highly qualified candidate being identified with all the required technical knowledge, skills and abilities and the selection is pending Committees' approval. A new job announcement is being prepared by the Office of Human Resources to fill the remaining position.

b. What additional capabilities does the Department expect from these new hires?

Response: The new positions we are requesting in the Intelligence Section in our FY 2010 budget request will provide the Department with a more robust Counter Surveillance Detection program. Currently, the agents assigned to the Intelligence Section provide coverage at all major events, investigate all Truck Interdiction violations/breaches and provide counter surveillance coverage around the primary USCP Jurisdiction. These officers also monitor demonstration groups and gather information that assists operational commanders in planning for these events.

The additional 11 intelligence officers would be primarily assigned to provide counter surveillance and surveillance detection capability which

is limited by current staffing levels. These officers would provide coverage surrounding the campus with a focus on detecting hostile surveillance against the Congress by terrorist and or extremist groups. The two new sergeants will provide oversight to the Intelligence unit.

The additional Civilian Intelligence Research specialist assigned to the Office of Intelligence Analysis will provide additional coverage for domestic and international analysis of events, classified intelligence and threat assessments for congressional delegations.

c. Are there currently any vacancies within the Intelligence sections? If so, what are the vacancies, and how long have they been vacant?

Response: There are two civilian vacancies within the Intelligence Section as described in Section a., which have been open at various times for five to eleven months. Although it can be difficult to identify candidates in such a highly technical field, a candidate was recently selected who is awaiting committee approval. Because no additional technically qualified candidates were identified in the applicants for this vacancy announcement, the Department is reposting the vacancy announcement to refill the remaining position.

There are currently 14 officers authorized for the Intelligence Section, which includes three vacancies. A vacancy announcement has been published and interviews of the candidates from within the existing force are in progress. Two agents are assigned to the FBI's Joint Terrorism Task Force and the FBI's National Joint Terrorism Task Force. The nine remaining agents are deployed on a daily basis.

Capitol Visitors Center

47. Now that the Capitol Visitors Center (CVC) has opened, the Committee is interested in what impact, if any, the CVC has had on staffing for the Capitol itself.

a. First, have there been any problems with the flow of visitors through the CVC to the Capitol?

Response: There have been minor issues with the flow of visitors through the CVC into the U.S. Capitol. The establishment of frequent communications and partnerships has provided the opportunity for multiple entities (i.e., CVC Visitor Services, House and Senate SAA and Gallery personnel, etc.) to resolve any pedestrian flow issues before they become problematic. Most issues dealt with establishing the appropriate posts and flow patterns under varying circumstances (i.e., during special events in the U.S. Capitol, late sessions of Congress, etc.)

b. How has staffing changed inside the Capitol now that the CVC has opened?

Response: The escalators leading to the U.S. Capitol from the upper level of the CVC are the major pedestrian/visitor access point between the two buildings. As such, in order to ensure the security of the U.S. Capitol Building and prevent unauthorized access into the building, additional officers were assigned in this area, which were not originally planned. Specifically, during business hours, special events and late sessions of Congress, it is necessary to post a minimum of five additional officers- two in the area of the CVC upper level escalator base, one at the Crypt/top of the escalators, one on the second floor of the Capitol/Rotunda entrance, one on the third floor East Front Corridor. In addition, during operating hours and highly attended after-hours events in the CVC, it is necessary to ensure adequate staffing for life safety/evacuation elevators and fire doors which were not originally planned. There are a total of eleven life safety/evacuation posts within the CVC.

48. The budget request notes on page 7 that the Department is reviewing staffing needs related to the CVC after the facility has been in operation "for a period of time."

a. What is the current staffing level?

Response: There are 358 officers assigned to the Capitol Division, which includes the Capitol and the Capitol Visitor Center.

b. When is the CVC review planned, and when will it be complete?

Response: In addition, the Department is currently conducting a gap analysis between what staffing we have currently and what is actually required. This analysis will determine staffing shortages and adjustments that may be necessary as a result of the CVC opening. This analysis includes the staffing within the U.S. Capitol, inclusive of the CVC. This gap analysis will be completed by June 1, 2009.

c. Is a concurrent review of staffing at the Capitol being planned, since the opening of the CVC has changed tourist traffic at the Capitol?

Response: The Capitol Division staffing has recently been restructured to adjust for the early opening hours of the Capitol Visitor Center (CVC) and subsequent need to have assets available prior to the CVC opening to ensure CVC tour operations remain on time. Prior to the CVC opening in the Fall of 2008, the Capitol Division had three separate sections of officers that staffed the CVC. These separate CVC sections were providing security during the construction phases of the CVC. During this time, a total of eleven sections were staffing the Capitol and CVC. In order to provide unity of command and allow better utilization of staffing resources after the CVC opening, the Capitol Division recently restructured and consolidated its staffing resources from eleven sections to eight.

Library of Congress Transition

49. What is the timeframe for the threat analysis that is being done for the Library of Congress (LOC)?

Response: The Department plans to undertake a risk assessment of the Library of Congress (LOC) following the transition of the law enforcement functions from the LOC to the USCP in October 2009. Therefore, the LOC Division was not tasked with completing the gap analysis template mentioned in the answer to Question 33 by June 1st.

This LOC review will include a threat analysis, as well as a facility security survey, of the LOC's facilities to determine the risk and threat levels requiring mitigation. These findings will be applied to a gap analysis to determine the appropriate staffing levels required to staff the LOC mission under the USCP's sworn staffing model, as well as potential alternate staffing models for Capitol Police Board consideration. Based on the identified threats facing the LOC

facilities, the USCP may utilize its existing sworn staffing model or an alternate model which best mitigates the identified and validated risks. We believe that this threat analysis will be completed during the second quarter of FY 2010.

QFR (from hearing): ***What is the USCP's optimum staffing level to reduce OT and secure your mission?***

Response: The Department's FY 2010 request for additional sworn and civilian positions is a continuation of our efforts to incrementally achieve a balance between the staffing, overtime and technology necessary to achieve our mission.

During the FY 2011 budget formulation process, we plan to consider additional prioritized manpower study recommendations along with other critical mission requirements for inclusion in our budget submission. Likewise, in an effort to find offsetting reductions, we will review our programs to determine areas for potential reduction or program elimination. Therefore, our FY 2011 budget request may include a request for an incremental increase of personnel or resources to achieve additional ELS recommendations.

Our goal is to have completed the analysis and evaluation necessary to determine the proper balance of staffing, overtime and technology necessary to achieve our core mission by mid-calendar year 2011. However, in order to add personnel beyond our current staffing strength, we will have to evaluate our ability to provide the infrastructure necessary to support these personnel. Currently, our facilities capacity for additional personnel beyond our FY 2010 requested level may be limited.

THURSDAY, APRIL 23, 2009.

ARCHITECT OF THE CAPITOL

WITNESSES

STEPHEN T. AYERS, AIA, ACTING ARCHITECT OF THE CAPITOL

TERRIE S. ROUSE, CEO FOR VISITOR SERVICES FOR THE CAPITOL VISITOR CENTER, ARCHITECT OF THE CAPITOL

OPENING REMARKS ON AOC—CHAIR WASSERMAN SCHULTZ

Ms. WASSERMAN SCHULTZ. Good afternoon. I would like to call this hearing of the Legislative Branch Subcommittee of the House Committee on Appropriations to order. We have a two-part hearing today. First we will hear from the acting Architect on the Architect of the Capitol's FY 2010 budget request. And then we will hear from Dr. Elmendorf on the Congressional Budget Office's budget request.

So we will begin with the exciting accomplishments that we have been through in the last several months. Mr. Ayers, your agency is requesting $645 million next year. That is a 22 percent increase, following on the 28 percent increase from last year that we were able to grant you. And those are large increases. But let me just say that I completely understand why you are asking for that kind of an increase, given the backlog of deferred maintenance and the programs and projects that you are responsible for. In spite of that, though, we are not expecting, although I am certainly hopeful, that we will have quite as large an allocation as we did last fiscal year. But I am going to continue to urge the Chairman to consider how much of a backlog we have, particularly in light of the Architect of the Capitol's needs. We also have a big energy reduction requirement that we are very focused on moving forward on.

I basically want to hear from you, as we always do on, what your top priorities are and make sure that we understand the order that we need to consider your top priorities and go through the got-to-haves versus the nice-to-haves, although I know increasingly we have fewer and fewer nice-to-haves and we have a whole lot of got-to-haves in the Architect of the Capitol's budget.

I know one of those is the impending renovation of the Cannon Building, which is 100 years old. We have a deteriorating—I am sure Mr. Ayers will cover it—but we have a deteriorating garage, and all the garages are deteriorating, but we will really risk having the building become unusable if we don't start addressing the renovations of the garage. So we have some tough choices that we are going to have to make.

And I also want to make sure that we go over the operating budget of the Capitol Visitor Center. At the end of the day, we need to make sure that we can preserve the legacy of the infrastructure

that we have and make sure that it is preserved for generations to come.

So with that, Mr. Aderholt, do you have any opening remarks?

OPENING REMARKS ON AOC—CONGRESSMAN ADERHOLT

Mr. ADERHOLT. I join you in welcoming Mr. Ayers. Thank you for being here and thank you for your work that you do as the Architect of the Capitol, and your staff. And as I have mentioned to you before, this subcommittee is new to me, but I have enjoyed being on it the last few months since the beginning of the 111th Congress. I quickly came to understand the vast challenges you have as Architect of the Capitol and all those that are under your leadership. So I look forward to your testimony and look forward to working with you.

SPECIAL RECOGNITION

Ms. WASSERMAN SCHULTZ. And do you have a special introduction?

Mr. ADERHOLT. Yes I do. I have my daughter with me today, Mary Elliott. Today, as some of you all may not know, is go to work with your——

Ms. WASSERMAN SCHULTZ. Take our daughters and sons to work day.

Mr. ADERHOLT. And she reminded me of that last night and so here she is today. And in addition to that, it is her tenth birthday today. So she is celebrating her tenth birthday as well.

Ms. WASSERMAN SCHULTZ. And my son is here as well, but he is right now wrapped up with the national championship Gator football team. It was a really difficult decision, Gators or Legislative Branch Subcommittee hearing. It was a tough call. So I told him I was a little bit hurt.

Mr. ADERHOLT. He made the right choice, Madam Chair.

Ms. WASSERMAN SCHULTZ. With that, Mr. Ayers, your statement will be entered for the record. Please proceed with a 5-minute summary. Welcome.

OPENING STATEMENT—STEPHEN AYERS

Mr. AYERS. Thank you and happy birthday, Mary Elliott.

Madam Chair and Congressman Aderholt, I thank you for the opportunity to testify today regarding our fiscal year 2010 budget request. And of course joining me at the table is Terrie Rouse, our Chief Executive Officer for Visitor Services.

I would like to first thank the Chair and the entire subcommittee for the support in our 2009 budget, and that increase that the Chair talked about will go a long way in making the Capitol Complex safer, greener and more efficient.

AOC ACCOMPLISHMENTS

It has been an extraordinary time here in the Capitol Building as we once again serve as the Nation's stage. On December 2 we opened the doors to the new Capitol Visitor Center and, just 6 weeks later, hosted the historic 56th Presidential Inauguration. As we worked to accommodate the inaugural, we stayed true to our

daily mission to protect and preserve the national treasures entrusted to our care. To do this effectively, we must continually manage the backlog of deferred maintenance and capital renewal projects, and we have to put in place a process by which to prioritize these projects.

Not only do we face the challenge of maintaining aging buildings, we also need to keep pace with new building technology as well as increased security requirements. We must look forward, prioritize and plan for the leading edge of new requirements and eliminate surprises in our budgets.

FY 2010 BUDGET REQUEST AND PLANNING

Madam Chair, as you noted, we are requesting $644 million in fiscal year 2010, and we again utilized our overarching program development process in structuring this budget request. Throughout this process, we assess a project's requirements, determine the best way to implement this project, prioritize all of the projects to assure that those with the greatest urgency are addressed first.

We also took into consideration the need for fiscal restraint and the challenge of executing the required programs efficiently throughout this process.

Our assessments continue to show that immediate and high-urgency deferred maintenance and capital renewal projects will increase dramatically over time. If these conditions are not addressed, they will continue to deteriorate to the point where they can and will impact congressional operations.

ENERGY AND ENVIRONMENTAL INITIATIVES

We are also aggressively working to reduce the Capitol Complex's overall energy consumption and environmental footprint. In fiscal year 2008, energy conservation efforts resulted in reducing the Congress' energy consumption by 10.7 percent, exceeding the fiscal year 2008 goal of 9 percent. This is the third year in a row that Congress has met their energy reduction goals. While this is significant in the Capitol Complex, the hard work is yet to come on our energy reduction goals.

To better identify and evaluate energy-saving opportunities, we use energy audits. We are also implementing energy savings performance contracts, which we continue, and we continue to purchase renewable energy credits. In addition, we are installing energy meters across the Capitol Complex to better measure energy consumption. Because the Capitol power plant plays a critical role in our long-term strategy, we are continually working to improve and upgrade operations there. We anticipate achieving a fuel ratio of 75 percent natural gas and 25 percent coal for this fiscal year. This significant decrease in coal use compared to fiscal year 2008 will reduce carbon dioxide levels by 6,700 tons.

FY 2010 OPERATIONS BUDGET REQUEST

Our 2010 annual operating budget request for $423 million provides funding for continuing the routine activities of operating and maintaining the infrastructure which supports the Congress and

other leg branch agencies. This request also focuses on management and caring for the AOC workforce, our greatest asset.

Another asset in our portfolio is the Capitol Visitor Center. And as you know, in 2010, construction costs are no longer part of the CVC budget. We are requesting $24.6 million for CVC operations and administration. Since December 2nd, we have successfully welcomed guests to the Capitol. And to date, more than 800,000 visitors have enjoyed the CVC's amenities and exhibits since we opened the doors on December 2nd.

We are committed to being good stewards of the Capitol Complex, and in that regard we have accomplished much and had many successes this last year. Our achievements are directly attributable to the talented and dedicated professionals that make up our team. It is really an honor for me to work alongside them day in and day out.

That concludes my statement, Madam Chair. Ms. Rouse and I are happy to answer any questions the subcommittee may have.

[Mr. Ayers' prepared statement follows:]

STATEMENT OF STEPHEN T. AYERS, AIA, LEED AP
ACTING ARCHITECT OF THE CAPITOL

Regarding Fiscal Year 2010 Appropriations
For the Office of the Architect of the Capitol

Subcommittee on Legislative Branch, Committee on Appropriations
U.S. House of Representatives

April 23, 2009

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 2010 budget request. I'm joined here today by Ms. Terrie Rouse, Chief Executive Officer for Visitor Services for the Capitol Visitor Center.

I want to thank the Subcommittee for your support of our FY 2009 budget request and the programs and priorities we set out in that submission, as well as for your guidance as we continually work to achieve our goals to serve Congress with a commitment to excellence.

The past six months have been an extraordinary time for the AOC as the U.S. Capitol once again served as the nation's stage. On December 2, the doors to the Capitol Visitor Center (CVC) were opened to the public for the first time. Since that day, we have seen record numbers of daily visitors — just two weeks ago we saw our first day of more than 18,000 guests. Over the past four months, we have seen visitation at the Capitol double over the number of guests received last year.

Just six weeks after the CVC opened, the eyes of the world again turned to the Capitol Building for the historic 56th Presidential Inauguration. The AOC's involvement dates back to the 1860's when the Presidential Inauguration became a decidedly public event, and arrangements were made to allow the President to be closer to the people when taking the oath of office. We are honored to shoulder the responsibility for making all the infrastructure arrangements that are necessary to accommodate this event every four years.

Given the magnitude of this event, we knew there was no room for error – the President-elect must be sworn-in at noon on January 20. Our capable team rose to the challenge; working countless

hours to ensure that the Presidential platform was constructed, the seats on the West lawn were in place, and all of the final details were completed to ensure that the ceremony was successfully supported.

As we worked to accommodate modern technologies into the Inaugural ceremonies, we also stayed true to our daily mission, which is to protect and preserve the national treasures entrusted to our care. Standing on the Inaugural platform, I couldn't help but think of the responsibility we have to ensure that the President-elect will be able to take his or her oath of office on January 20, on the West Front of the U.S. Capitol — the iconic symbol of our representational democracy — for generations to come.

With this in mind, the AOC has developed its budget request for the past several years to reflect the massive challenge of addressing the need to preserve the historic infrastructure on Capitol Hill, while recognizing the need for fiscal responsibility.

In fact, our Fiscal Year 2010 budget has been structured around four focus areas. They are:

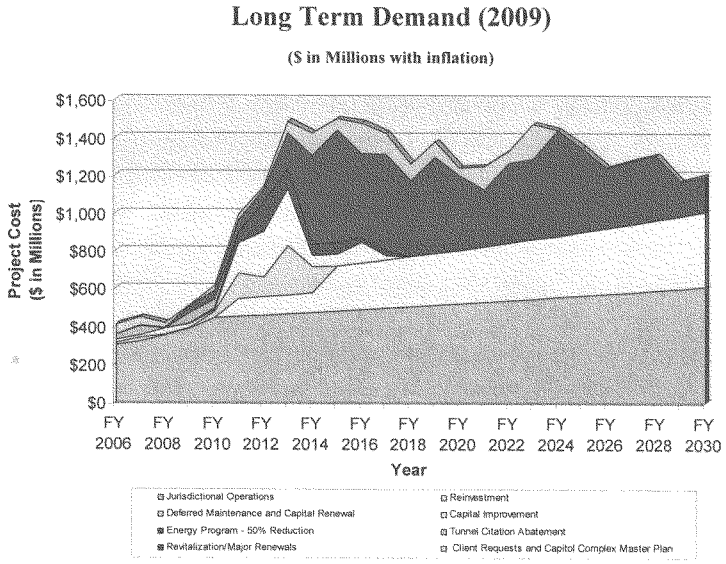
- **Solving the Deferred Maintenance and Capital Renewal backlog;**
- **Following the Capitol Complex Master Plan process;**
- **Meeting Federally-mandated and Leadership energy goals;**
- **Managing and caring for the AOC work force.**

As I have discussed with this Subcommittee at prior hearings, we must continually manage the backlog of Deferred Maintenance and Capital Renewal projects, and have put into place a process by which to prioritize these projects.

Not only do we face the challenge of the upkeep of aging buildings, we need to keep pace with new facility maintenance and building technologies, as well as increased security requirements. Last year, the Cannon House Office Building reached its 100th anniversary, and just last month, we celebrated the 100th anniversary of the Russell Senate Office Building. These buildings are historic and iconic, and require extensive maintenance in order to preserve them, as well as ensure that they continue to serve as functioning, professional working environments for years to come.

The following chart — the "bow wave" chart — clearly shows that ongoing facilities requirements and new mandates have created a significant increase in resource requirements. Our FY 2009 budget request, and subsequent appropriation, was a significant step in buying down a portion of the bow wave. This includes addressing stringent, modern-day fire and life-safety standards, and abating Office of Compliance citations to improve safety conditions throughout the complex. Life-safety projects are very high priorities for our Agency.

However, we must continue to work on and to invest resources in projects that will prevent our critical facilities from further deterioration and failure. If we continue to defer these projects, the bow wave will move out and costs will increase over the long run.



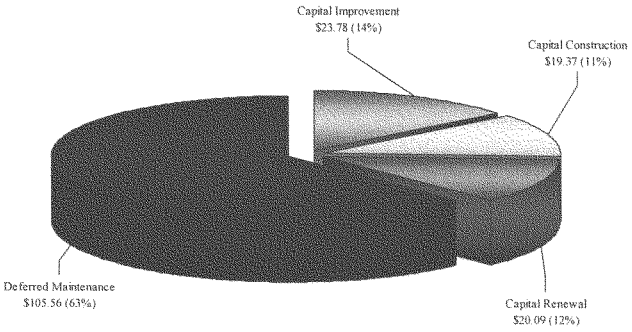
Capital Budget Request and Project Planning Process

Therefore, we are requesting $644.6 million for FY 2010. We again utilized our program development process, which relies on the recommendations in the Capitol Complex Master

Planning process, in structuring this budget request. This process assesses all the requirements of a project; determines the best way to implement these projects, including the option of "phasing" large projects over several years to manage costs and schedules; and prioritizes projects so that those of the greatest urgency are addressed immediately. We also took into consideration the need for fiscal restraint, and the challenge of executing the required programs efficiently throughout this process.

FY 2010 Project Request: by Classification

($ in Millions)



As the above chart demonstrates, we continue to invest our resources in the areas that have an "immediate" urgency rating: Deferred Maintenance and Capital Renewal projects.

We continue to refine the data on which our planning is based. For example, for the past five years we have conducted independent Facility Condition Assessments throughout the Capitol complex. These assessments identify the most critical issues in the facilities, and the objective data collected during this process helps us to identify the urgent needs that must be addressed expeditiously. Specifically, the data continues to show that "immediate" and "high" urgency Deferred Maintenance and Capital Renewal requirements will increase dramatically over the next several years. If these conditions are not addressed within a reasonable amount of time, they will continue to deteriorate to the point where they can, and will, impact Congressional operations.

The Facility Condition Assessments also are used to determine a Facility Condition Index based on the backlog of Deferred Maintenance work. The Facility Condition Assessments and Facility Condition Indexes are used to predict the positive effect of investment and the negative effect of deferring work. Our assessments are showing that, at current funding levels, Capitol complex facilities are trending toward a "poor" rating.

Tied into the overall planning process is the Line Item Construction Program. During this process, projects are evaluated based upon an objective set of criteria.
These criteria include:

- **Preservation of historic or legacy elements or features of buildings or entire historic structures;**
- **Fire and life-safety, code compliance, regulatory compliance, and statutory requirements;**
- **Impact on mission including client urgency, and accommodation of new or changed missions;**
- **Economics, including value, payback, life cycle costs, and cost savings;**
- **Physical security, including protection of facilities and people;**
- **Energy efficiency and environmental aspects.**

The projects are further evaluated based on the conditions of the facilities and their components, and the urgency to correct the deficiencies.

As we developed our FY 2010 budget, we considered more than $350 million worth of projects, and are requesting $168.8 million for Line Item Construction Program projects. This prioritized list includes 36 projects; 32 of which are categorized as being of "immediate" urgency. The remaining four are categorized as "high." An additional 85 projects remain on the deferred list.

Of particular note are two "high" urgency renewal design projects: the Whole Building Renewal of the Cannon House Office Building ($5 million to determine requirements), and the Interior Renovation of the East House Underground Garage ($37.6 million).

The Cannon House Office Building renewal project is planned as a multi-year renovation project and will correct issues raised by the Facility Condition Assessments, including plumbing, electrical, heating/ventilating/air conditioning (HVAC), fire and life-safety systems, ADA, elevators, building envelope, and historical preservation efforts, while also improving the energy efficiency of the building. Each phase of construction will be designed as a stand-alone project in terms of facility infrastructure and operations to minimize disruption to occupants and operations. The design will incorporate temporary occupancy plans. If the major deficiencies in the 100-year-old Cannon Building are not addressed expeditiously, system failures could render the facility non-usable.

The House Underground Garages have been identified by the Facility Condition Assessments as having serious deficiencies. They are rated "poor" in terms of their Facility Condition Index, and they are nearing the end of their useful lives. The renovation is designed to prolong the life expectancy of the structures by replacing concrete floor slabs, reinforcing expansion joints, and upgrading mechanical, electrical, and fire prevention systems.

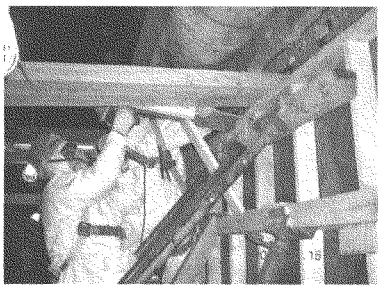
Other key capital projects included in the AOC's FY 2010 budget request are:

- Interim Painting of the Capitol Dome (part of ongoing rehabilitation project);
- Sprinkler System Design, Thomas Jefferson Building;
- Various egress, fire door, and ADA restroom improvements for Library of Congress buildings;
- Independence Avenue Repaving;
- Replacement of Rayburn House Office Building roof;
- Upgrading physical security at the Capitol Power Plant;
- Taft Memorial Renewal Design;
- Purchase Hazardous Device Unit and Vehicle Maintenance Facility for U.S. Capitol Police;
- Invest in Capitol Power Plant infrastructure;
- Construct Book Storage Module 5 for Library of Congress;
- Energy Conservation projects, such as computer server closet cooling, HVAC controls replacement, and other projects identified by energy audits.

Madam Chair, I would like to call to the Subcommittee's attention one project that has benefited from our comprehensive planning process — the Utility Tunnel Improvement Program. Last year, we requested $126.6 million for the program based on preliminary studies so that we could meet the five-year completion schedule per the agreement with the Office of Compliance. After submitting the FY 2009 request, we re-evaluated the program, examined phasing and contract options, and employed innovative new construction technologies to increase the pace of the work.

Based on the excellent progress made during the ongoing engineering work, we also evaluated and re-validated our approach to the project work, and refined our budget projection accordingly. We downsized our FY 2009 request to $56.4 million. In FY 2010, we are requesting $45.8 million to maintain our aggressive schedule to meet the settlement terms by 2012. All told, we were able to reduce the total projected cost of the Utility Tunnel Improvement Program from $235 million to $186.4 million — more than a 20 percent decrease. And, we remain on schedule to meet the settlement agreement terms by June 2012.

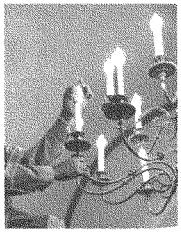
This past year, we have repaired and expanded the existing communications system to ensure continuous communications capability in the tunnels. As a result, the Office of Compliance approved the closure of this citation in January 2009.



Concrete Repairs in Progress

We also are engaged in an aggressive program to abate friable asbestos pipe insulation from steam, condensate, and chilled water lines in the tunnels. Completion of this work is anticipated in 2010. In addition, the removal of spalling concrete is on schedule. With regard to tunnel temperatures, we have re-insulated all steam and condensate lines, the major cause of high heat conditions in the tunnels; improved the existing ventilation system to further reduce temperatures, and designed a new ventilation system to further improve temperatures. In addition, we've upgraded existing egresses, and we are installing new egresses where needed.

Energy Conservation and Sustainability Programs



The AOC has been aggressively working to reduce the Capitol complex's environmental footprint, and its overall energy consumption. In 2008, the AOC increased its use of natural gas; purchased renewable energy; and installed more than 14,000 compact fluorescent light bulbs. According to our analysis for FY 2008, these efforts resulted in the Congress reducing its energy consumption by 10.7 percent; exceeding the FY 2008 requirement of a nine percent reduction as compared to the FY 2003 baseline. For Fiscal Year 2009, the AOC is required by law to meet a cumulative 12 percent reduction under the Energy Independence and Security Act of 2007; the Green the Capitol Initiative requires a 16.5 percent reduction.

To meet these requirements to further reduce energy consumption, we have requested $17 million in FY 2010 for Energy Program management, metering, and design and development of energy conservation projects. In addition, we have requested more than $11 million for capital projects that were submitted and considered because they implement sustainability practices and/or contain projected energy savings.

However, the FY 2010 request is only a down payment on the investment needed to meet the requirements of the Energy Policy Act of 2005 (two percent per year for a total of 20 percent by 2015); Energy Independence and Security Act (three percent reduction per year for a 30 percent reduction by 2015); and the goals of the Green the Capitol Initiative (50 percent energy reduction for the House Office Buildings, Capitol Building, and CVC, and 31 percent reduction at the Capitol Power Plant by 2017). Based on what is known today, to meet the Energy Independence and Security Act goals, we estimate current and future funding requirements of more than $320 million. To meet Green the Capitol Initiative goals, we estimate a current and future funding requirement of more than $460 million.

To better identify and evaluate energy savings opportunities in Capitol complex facilities, we have been using energy audits since FY 2007. To date, the AOC has invested nearly $2.5 million toward these audits, and the data collected will help us realize better cost-benefit results.

We also are implementing alternative funding strategies such as Energy Saving Performance Contracts. Under these contracts, companies invest their own capital to complete energy saving construction projects, and are then reimbursed from the savings generated by the installed projects. The AOC plans to use seven Energy Saving Performance Contracts across the Capitol complex to include individual contracts for the Capitol Building, House Office Buildings, Senate Office Buildings, Library Buildings and Grounds, Capitol Power Plant, Botanic Garden/Office of Security and Police Buildings, and Capitol Grounds.

However, the Energy Saving Performance Contracts alone will not be able to achieve the energy reductions goals mandated. We continue to purchase Renewable Energy Credits (RECs) and have requested an increase in FY 2010 funding to purchase the equivalent of 100 percent of our electricity in RECs. 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.

Because the Capitol Power Plant plays a critical role in our long-term energy conservation strategy, we are continually working to improve and upgrade operations there. For example, we are developing a Strategic Energy Plan, with the assistance of the National Academies of Science, which will influence our future Energy Program planning. Another step we took was to move toward maximizing the use of natural gas at the Capitol Power Plant.

In February, following the direction of House and Senate Leadership, we took immediate steps at the Capitol Power Plant (CPP) to further reduce the production of carbon dioxide, and we are now refining the engineering strategy for equipping the CPP to meet peak steam demands using only natural gas.

Specifically, I directed the CPP staff to begin its seasonal conversion to natural gas operations immediately. In previous years this conversion did not occur until late May. Assuming the weather remains mild and we do not experience any major equipment issues, we do not expect to burn coal for the remainder of this fiscal year.

As a result of this action, we anticipate achieving a fuel ratio of 75% natural gas and 25% coal for Fiscal Year 2009. This significant decrease in the amount of coal used compared to Fiscal Year 2008 will reduce carbon dioxide levels by approximately 6,700 tons. We plan to fund the purchase cost for the additional natural gas in Fiscal Year 2009 from available appropriations.

We are also looking at various options for continued energy efficiencies that have emerged throughout the development of the draft Capitol Power Plant Strategic Energy Plan, which we plan to share with this Subcommittee and Congressional Leadership in the coming weeks.

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.

The following is a list of just a few of our ongoing energy-saving/sustainability initiatives.

- We opened an ethanol (E-85) fueling station to Legislative Branch Agencies in October 2008, for use by official flex-fuel vehicle fleets.
- We replaced more than 14,000 conventional incandescent light bulbs with compact fluorescent lamps (CFLs) across the Capitol complex.
- We implemented a policy requiring the purchase or leasing of alternate fuel vehicles when replacing aging vehicles in the AOC fleet.
- We installed dimmable ballasts in 21 Senate/Committee office suites. The program typically saves 11,400 kilowatt hours per week or 40 percent of lighting energy used in an office suite.
- We installed a renewable, solar energy source for lighting in Lot 18 in fall 2008. These new solar-powered lights save approximately 1,825 kilowatt hours per year.

- We launched our energy awareness program: *Power to Save* in October 2008. We are providing tools and tips on our *Power to Save* Web site to encourage Capitol Hill offices to conserve energy. www.aoc.gov/powertosave.
- We more than doubled total tonnage of recycled waste from 1,400 tons to 3,100 tons from FY 2002 to FY 2008. Contamination rates remain at zero.

- We recycled 100 percent of all AOC computer and electronic waste which includes monitors, keyboards, computers, printers, laptops, and other types of computer hardware over past three years.

- We are using food waste, garden clippings, and other green waste, and repurposing it as compost for flower beds and to sustain other plantings throughout the Capitol complex.

Food waste repurposed into compost is used in flower beds.

Annual Operating Budget Request

Our FY 2010 annual operating budget request for $423.6 million provides funding for continuing the routine 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, one of our four focus areas is the managing and caring for the AOC work force – our greatest asset. A budget priority for FY 2010 is providing the proper training for our people. Unfortunately, the AOC lags behind the industry standards in terms of automated facility management tools. Receiving the requested funds in this area would bring us closer to that standard, and increase our ability to manage facilities utilized by Congress and the American public.

Other operating cost increases lie outside the control of the AOC. Utility rates have risen, the cost of leases has increased, recycling and bulk waste removal contracts are now more expensive, and mandatory pay raises combined with the increase in transit subsidy benefits have added to the cost of our day-to-day operations.

Additional funding is being requested for development and technical skills training for staff; to provide uniforms for employees of our Construction Division to ease recognition of staff and reduce potential security issues within the Capitol complex; to provide training, equipment, materials, and services in preparation for and response to emergency events; and to purchase necessary safety apparel such as hard hats, safety glasses, gloves, steel-toe shoes, and hearing protection for project management staff.

Capitol Visitor Center Operating Budget Request

Our past budget requests for the Capitol Visitor Center (CVC) included funding for its construction. Madam Chair, it will please you to know that in FY 2010, construction costs are no longer part of our CVC budget. We are requesting $24.6 million for CVC operations and administration, to include payroll for the Capitol Guides, who have been integrated into our organization, and are an integral part our team. We also are requesting an additional 25 FTEs to support CVC full-year operations to include additional staff to coordinate greater than anticipated requests for use of the CVC rooms and restaurant services, and specialized maintenance personnel to perform furniture repairs and sheet metal repairs in the coat check rooms and the Congressional auditorium.

The mission of the Capitol Visitor Center is to provide enhanced security for all persons working in or visiting the United States Capitol, and a more convenient place in which to learn of the work of Congress and about the Capitol. Since December 2, 2008, when the CVC was officially opened to the public, we have been very successful in achieving our goal to make the visitor experience at the U.S. Capitol one that is safe and enjoyable for all who come here.

Instead of standing in line for hours, visitors now pass through security quickly and are able to enjoy the amenities and the exhibits housed in the CVC. To date, we have welcomed more than 750,000 visitors. Earlier this month, we hosted more than 18,300 guests in a single day, and thanks to the efforts of the U.S. Capitol Police and our Visitor Assistants, the average wait time to enter the facility was six minutes. In addition, every staff-led tour request during this time was accommodated.

As we continue this next year in "test and adjust" mode, Ms. Rouse and her team continue to adapt to changing situations and make accommodations for Members of Congress as necessary. For example, they have made improvements to the tour schedule and various policies to help Members accommodate constituents who visit their offices who may not have tour reservations. She also has initiated "Congressional staff listening sessions" where staff may share ideas and thoughts about Capitol tour operations.

The Congressional Historical Interpretive Training (CHIP) Program has also been updated since last fall based on feedback from Members' offices. Ms. Rouse's ongoing review of the pilot program's

curriculum since its implementation in fall 2008 has allowed it to grow and improve to meet participants' needs. Thus far, more than 2,000 Congressional staff have participated in the program. We're happy to report that the CHIP Program has greatly enhanced the tour experience for Members' constituents, and that staff-led and Capitol tours have worked in parallel, thereby reducing security risks and optimizing safety concerns of visitor flow within the Capitol Building. Most importantly, the training has successfully met its goal to aid in the accuracy and consistency of the information provided to all visitors.

As a point of interest, I would like to add that on April 13, we introduced 50 new documents into the CVC's Exhibition Hall. The new items, which include the December 11, 1941, resolution declaring war against Germany, one of only two printed drafts of the U.S. Constitution discussed during the 1787 Constitutional Convention, and a list of supplies requisitioned by Meriwether Lewis prior to his historic Lewis and Clark Expedition, will be on display through October 1, 2009.

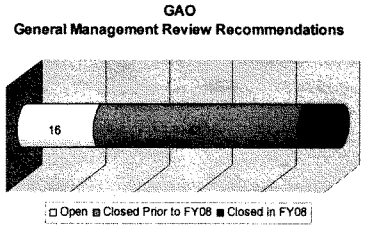
AOC Accomplishments

Madam Chair, as I discussed earlier, the past year has been one full of significant achievements for the AOC, in addition to the public opening of the Capitol Visitor Center and supporting the Presidential Inauguration. I would like to sum up my testimony by listing a few of our many accomplishments.

- We conducted our annual Building Services Customer Satisfaction Surveys, and in FY 2008, we maintained more than 90 percent customer satisfaction rating. Customer satisfaction continues to increase annually.

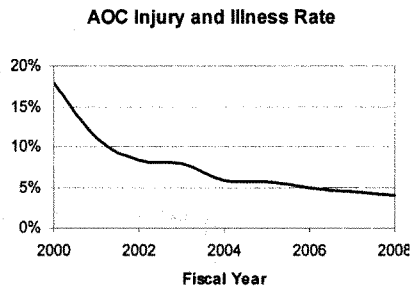
- We completed House Office Building moves for the 111th Congress in less than one month's time. We moved 184 House Offices and two House Committees and achieved a customer satisfaction level of 96 percent. Senate Office moves are ongoing.

- The Government Accountability Office provided the AOC with 67 recommendations to help improve its strategic management since 2003. Nearly 75% of those recommendations have been fully implemented, closed, or incorporated into new recommendations (as of February 2009).



- We continued to improve our cost accounting procedures and internal controls, and received our sixth consecutive clean audit opinion on our financial statements. The Capitol Visitor Center also received a clean audit opinion.

- We conducted employee focus group sessions in April 2008 to gather observations on topics ranging from customer service and internal procedures to our mission and our work environment.
    - Participants noted that the AOC has made tremendous progress over the past few years. Specifically, 54 percent of participants responded that they were satisfied or very satisfied with their jobs versus 35 percent in 2004. Those who said they were very dissatisfied with their jobs dropped from 21 percent in 2004 to just four percent in 2008.



- We decreased our Injury and Illness Rate for 9th year in a row. We dropped to 4.06 cases per 100 employees in FY 2008; the lowest rate the AOC has ever sustained.

- We closed 71 of 99 items from Office of Compliance citations (80%), as of February 2009, and we have submitted a request to close seven additional items.

- United States Botanic Garden (USBG) has achieved accreditation from the American Association of Museums (AAM), the highest national recognition for a museum. Of several hundred public gardens in North America, the U.S. Botanic Garden is one of only 19 that have been awarded accreditation.

- The West Refrigeration Plant Expansion project at the Capitol Power Plant was selected as 2009 Craftsmanship Award Winner in the mechanical category for HVAC-Piping by the Washington Building Congress.

- The Washington Building Congress also recognized the AOC's Painting and Plastering team in the "Specialty Painting" category for relocating the Statue of Freedom model from the Russell Senate Office Building to Emancipation Hall in the CVC.

- Our stone mason team that worked to restore the marble floors in the Jefferson Building, while installing electrical conduits to support the new Visitors Experience project was also recognized by the Washington Building Congress with a 2009 Craftsmanship Award.

Conclusion

Every brick, every floor tile, every element of the U.S. Capitol is saturated with our nation's art, history, and politics, and coming here is one of the best ways Americans can see and understand themselves, their country, and their government.

We are all part of the brick and mortar of our nation, and this Capitol belongs to each and every one of us. For that reason, it is imperative that we do everything we can to succeed in our mission to protect and preserve our nation's icon and a symbol of representative democracy for generations to come.

The AOC is committed to being good stewards of the Capitol complex, and in that regard, we have accomplished much and experienced numerous successes. These achievements can be directly attributed to the dedicated, professional individuals that make up the AOC team. In my role as Acting Architect for the past 26 months, 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 the visiting public.

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.

Ms. Rouse and I would be happy to answer any questions you might have.

DEFERRED MAINTENANCE

Ms. WASSERMAN SCHULTZ. Thank you very much, Mr. Ayers. Based on your statement and what we allocated for you last year, I know we went a significant way into the backlog of deferred maintenance projects. And I also know that there is a lot more to do. And I know our infrastructure challenges are significant and every year more are added, more is added to that list. So it is really important that we start to try and shrink the list.

What is the long-term solution to this problem? I know you gave us that bow wave chart that suggests a much larger base budget is needed. If you receive a large boost in your base funding, would you be able to execute it without causing construction fatigue? How much should we really be funding you to chew off those priorities?

Mr. AYERS. Well, if you recall that bow wave chart, in the middle of that chart is a gray bar. That gray bar represents an investment in maintenance or deferred maintenance and capital renewal projects.

Ms. WASSERMAN SCHULTZ. That would be above the line and below the line?

Mr. AYERS. Correct. And I must admit, in the legislative branch our work in our budgeting process is unique. In most facility management organizations, we really don't submit projects line by line for deferred maintenance and capital renewal work. It is simply one number; this is your maintenance budget. Typically that number is 2 to 4 percent of your plant value.

Today, we invest less than 1 percent in our plant value. So that bar, you will see, gets us up to—we budgeted at the 2 percent and escalated that for inflation over time. So we think that is the right number. That has been studied ad nauseam by the Federal Facilities Council and others.

Ms. WASSERMAN SCHULTZ. Would your budget request get you there? The budget request that you submitted now, would that get you to 2 percent?

Mr. AYERS. No, it would not.

Ms. WASSERMAN SCHULTZ. Where would it get you?

Mr. AYERS. I don't know the percentage, but I will get that for the record.

[The information follows:]

Question. Regarding deferred maintenance and capitol renewal, if funding at 2 to 4 percent of the plant value is the industry-recommended standard, what percentage is reflected in the AOC's Fiscal Year 2010 budget request? At what pace should Congress be funding the AOC? What do we need to get there, taking into account items such as construction fatigue and ability to execute?

Response. The AOC's Fiscal Year 2010 Line Item Construction Program request includes $105.56 million in Deferred Maintenance (DM) and $20.09 million in Capital Renewal (CR). This total of $125.65 million in Deferred Maintenance and Capital Renewal is less than two percent of the replacement value of the facilities that the AOC maintains.

The AOC has implemented a robust planning and investment Program Development Process that includes the Facility Condition Assessments, Capitol Complex Master Plan, the Five-Year Capital Improvements Plan, and the Line Item Construction Program prioritization process. The AOC has completed Facility Condition Assessments on nearly all major facilities. These Facility Condition Assessments catalog the existing condition of each facility, assign an urgency rating based on the required timing for repair or replacement, and provide an initial cost estimate. The AOC's Capitol Complex Master Plan and the Five-Year Capital Improvements Plan provide overarching roadmaps for successful future planning. Currently, the Capitol

Complex Master Plan is in various states of stakeholder review, and the Five-Year Capital Improvements Plan is in draft. These tools will enable the AOC to plan timely construction efforts, and develop appropriate and cost effective solutions, while preventing system breakdowns and outages.

In addition, the AOC is performing a comprehensive study to develop reinvestment strategies under various funding and cost scenarios. As part of this study, the AOC is re-examining execution capability and construction fatigue to ensure that the AOC continues to request integrated budgets that maximize facility maintenance while minimizing the impact to Congress, staff, and the public.

Ms. WASSERMAN SCHULTZ. I interrupted you. I am sorry.

Mr. AYERS. That was it. Let me add, if I could, obviously it takes funding to do that, and we are considering lots of options. You will see in our legislative proposals we are trying to find some unique ways to get money to return back to the Architect's Office; for example, when we lease facilities to others, which we have a couple of those, we are looking for flexibilities to get that money to return to us.

We have considered fee-for-service kind of operations. I don't think that will work in the Congress. We are looking at a variety of public-private partnerships to leverage that. There is certainly some viability there, but I think we all know the cost of money in entering into those agreements is significant. In the long term, obviously, you pay far more than you would with appropriated dollars up front.

CAPITOL COMPLEX—STATUS UPDATE

Ms. WASSERMAN SCHULTZ. Can you just walk us through the current condition of the Capitol Complex? What facilities are in the most dire straits, and what are in particularly good shape, and how are we prioritizing the backlog?

Mr. AYERS. Sure. One of the great tools that we put in place to do that in recent months is, what we call, a Facility Condition Index, and this comes out of the body of research on facilities as well. That is the ratio of the amount of deferred maintenance compared to the replacement value of your building. And that equation gives you a number, that number equates to a chart that you will see there: The buildings are in poor, fair or good or excellent condition. We have included that chart in our budget binder.

The worst facilities you will see on that chart are the the Summer House Grotto on Capitol grounds. You will see the East and West House Underground Garages. You have to do no more than walk into those buildings to understand how deteriorated they are. The Cannon Building, that group of buildings is towards the poor end of the scale. Obviously the newer buildings are on the better end of that scale.

CANNON BUILDING RENOVATION

Ms. WASSERMAN SCHULTZ. What is the plan for the Cannon Building renovation? Your budget calls for design funding of the renovations of Cannon, right?

Mr. AYERS. Yes it does.

Ms. WASSERMAN SCHULTZ. And what year would the Cannon renovations begin if we stay on the track of the plan?

Mr. AYERS. Let me clarify that. Actually we have requested $5 million in our 2010 budget for the planning process.

Ms. WASSERMAN SCHULTZ. Right.

Mr. AYERS. After that we will go into the design process. We have not requested money for that. I think that is a really important lesson learned from the Capitol Visitor Center is that the success of any job like that is going to lie on how well your plan is laid out and how well you have defined the scope of the project up front. So I think it is really important that we spend the time and money up front to do that. After that we go into the design process, and ultimately we think construction would start no earlier than 2014 and likely last 4 to 5 years.

Ms. WASSERMAN SCHULTZ. Okay. That is just for Cannon. My time has expired. Mr. Aderholt.

PROJECT PRIORITIZATION

Mr. ADERHOLT. I want to follow up with the Cannon Office House Office Building question. I think it is labeled as a high-urgency renewal design project. What goes into those decisions as far as making it a high-urgency designation?

Mr. AYERS. As we prioritize projects, we look at project importance. That is made up of energy conservation measures, mission and statutory requirements, life-safety and code requirements. Then we also look at the condition of the building. That condition comprises the dollar value of deferred maintenance. Deferred maintenance is something that is already broken but is yet to be fixed.

So Cannon Building, for example, has about $40 million in deferred maintenance and another $90 million in capital renewal, which means if you don't invest in that capital renewal within 2 years it becomes—it breaks and becomes deferred maintenance. So basically the dollar value of things that are broken and things that are about to break goes in to determine whether it is an immediate requirement, high urgency, medium urgency or low urgency.

Mr. ADERHOLT. I have always been in the Longworth Building so I have never actually been in——

Ms. WASSERMAN SCHULTZ. I am in Cannon.

Mr. ADERHOLT. What are the main concerns? Do you have Member complaints about things or is it just more of the structural aspect of the building that you are concerned about?

Mr. AYERS. We don't have many Member complaints other than maybe the windows are leaky and drafty and inefficient. But other than that we don't have significant Member complaints. Our staff does a really good job at keeping the building looking good. It is really the work behind the scenes and the infrastructure behind the scenes that has not been renovated in 70 years or 80 years. The mechanical systems, the roof drains, the plumbing and electrical systems throughout the building are really what need to be repaired. Similarly, the exterior stone is in serious need of repair as well.

BARTHOLDI PARK

Mr. ADERHOLT. One last question, I just want to touch base with you about the Bartholdi Park. What is the current situation there with the fountain, and what do we expect to see on that and when that will be completed?

Mr. AYERS. The fountain, of course, has been removed and taken to a foundry to be repaired and restored. And I get, regularly, photographic updates from the founder, and that renewal process is moving along apace. We are currently repairing the concrete basin of the fountain now and expect that work to be done in about 1 year. Then the fountain comes back. So I think it is about 18 months before it is all up and back in operation.

Mr. ADERHOLT. So in 18 months, or about approximately 2 years, it should be functioBartholdining again?

Mr. AYERS. Yes, sir.

Mr. ADERHOLT. Great. That is all I have.

Ms. WASSERMAN SCHULTZ. Mr. Cole.

BUILDING INFESTATIONS

Mr. COLE. Thank you, Madam Chair. Just from the sublime to the distasteful, can you give me an update on the rodent population? I just know, we moved from Cannon to Rayburn, and I thought the rodent situation would get better than it has. So I am just curious what we do and are not doing in that regard.

Mr. AYERS. I must admit I am completely unaware there is a rodent problem. Is that what you said?

Ms. WASSERMAN SCHULTZ. Do you mean rats?

Mr. COLE. Yes. Rats and mice. We found six in our office so far. That seemed to be an unusually high level.

Mr. AYERS. I would agree. That is an unusually high level, certainly, and it is our responsibility for pest control and rodent control as well, and obviously we are going to have to redouble our efforts there.

Mr. COLE. So far it has been good. They have hung around the staff office. We have preserved the inner sanctum pretty well. But we would like a visit with you about that item. No further questions.

CVC OPERATIONS

Ms. WASSERMAN SCHULTZ. Just a couple of things I wanted to ask you about. First of all, I am thrilled that there is not a request for funds for construction of the Capitol Visitor Center, that we actually are done funding the construction of the Capitol Visitor Center and we stuck to the $621 million figure. So that was really exciting.

On the operational side of the Capitol Visitor Center, you have asked—and, Ms. Rouse, you will probably need to speak to this. Capitol Visitor Center operations in 09 were funded at roughly $19 million, and now you are requesting $24.5 million for the same purpose. I know that now you are dealing with a full year of operations, but we want to make sure that you are aiming for the right funding level.

How much of your increase is tied to the annualization of your request and how much is for new items?

Ms. ROUSE. We are going from about 19——

Ms. WASSERMAN SCHULTZ. And what are the new items?

Ms. ROUSE. About 19 million for fiscal year 2009, to 24 million for fiscal year 2010. Most of the new items are for additional staffing. Staffing is the biggest portion of our budget, as you can imag-

ine. We know from this year, that getting the number of Visitor Assistants and Guides in place is key and being able to handle the call volume is key. So we want to be able to get our position in place where we have enough people, 20 additional people for Visitor Services; 15 Visitor Assistants, 5 Guides. We have learned the value of having our staff right there on the floor, able to help Members. That has worked out a lot better. We are calling them our ambassadors, and we learned a lot from people recently on that topic.

As it relates to special events, the demand for the bookings of our rooms is unbelievable, so there will be additional staff back there. It sometimes goes from 8 until 11 o'clock at night. The Gift Shop generates extremely robust activity for us. There needs to be additional people there to manage that. Of course with that comes our typical IT and AV needs and financial, so we want to be able to be in a better position to staff those.

CVC STAFFING

Ms. WASSERMAN SCHULTZ. The 25 additional FTEs, the 15 Visitor Assistants and 5 Guides, how did you settle on that being the right number of people and does that count the people that we talked about you hiring to shore up the staff-led tour process?

Ms. ROUSE. The congressional liaison type FTE is a number outside of those numbers, that we are able to put in our temporary numbers. We did a little self-analysis. We are still trying to work up to the 99 Visitor Assistants we have now. The demand is overwhelming. We saw, last year, 1.4 million visitors here at the Capitol. We will reach 1 million in about 2 or 3 weeks. So we know that effort is amazing and the demand is there. We believe we will be fine with that number. We always have a little cushion for temporary, seasonal work.

STAFF-LED TOURS

Ms. WASSERMAN SCHULTZ. And then the only other item I wanted to cover with you is staff-led tours. I understand you were able to accommodate all the staff-led tour requests during the spring break Cherry Blossom Festival period. Can you walk us through the changes that you have made based on the private office meeting that we had with the bipartisan House Administration and Leg Branch leadership?

Ms. ROUSE. We were able to fortunately accommodate almost all of those requests that were made in that meeting. We put additional people on the floor, additional hours; created a separate line for staff-led tours when people came up. We were also able to have our staff have side conversations with people during staff-led tours. The dedicated ticket line worked extremely well. We also were able to facilitate more on the phones. We put through more resources at answering the telephone. We continue to get 400 calls a day from Members' offices. So we were able to add two additional telephone lines. We are going to readjust our call center ideas for next year.

So all of those activities worked, what we were able to do is simply put more people in front of staff-led tours to help them do what they had to do. We saw about 11,000 staff-led tour participants

over that 2-week spring vacation period, with roughly 200,000 people. So we were able to incorporate just about everything, and it was very helpful.

STAFF-LED TOUR CALLING CAPACITY

Ms. WASSERMAN SCHULTZ. In terms of the changes that you made to accommodate staff-led tours based on the concerns that were raised dealing with Members' offices and the difficulty that Members have had in getting someone on the phone when they call, how have you been dealing with those concerns?

Ms. ROUSE. We have two additional telephone lines in place. We are going to have to address the need for more of a call center activity as we go through the next year because the call volume is still very heavy. So we are able to at least try to get back to people through more resources added.

Ms. WASSERMAN SCHULTZ. People shouldn't have to listen to a ringing phone or get a voice mail. What happens when you don't have someone, when you don't have enough people to handle the call volume?

Ms. ROUSE. What happens is the calls go into voice mail and someone has to return calls. With the two additional telephone lines we put in place on Tuesday, that is happening a little less now. We are able to answer more calls. And we have been able to work with the House Office Call Center and may be able to adapt some of their software to our needs as well. Our call volume is extremely high. And some of that will begin to——

Ms. WASSERMAN SCHULTZ. Do you have an average wait time?

Ms. ROUSE. For the phone, no, I don't. But I can get that for you.

Ms. WASSERMAN SCHULTZ. Can you find out what that is?

Ms. ROUSE. Sure.

[The information follows:]

Question. What is the average customer wait time when calling the CVC's Visitor Services Office?

Response. As of the week of April 20, 2009, when a new system was installed to measure call times, the wait time before a call was answered by an operator was 11 seconds. The average wait of a caller before he/she abandoned the call (did not wait for voice mail) was 37 seconds. The CVC Visitor Service's staff is continuing to test and adjust the system as necessary to meet all call demand in a timely and responsive manner.

ADVANCE RESERVATION SYSTEM

Ms. WASSERMAN SCHULTZ. I know you have requested funding to make improvements to the advance reservation system. Is that funding to address the concerns raised by Members that the system is very slow and that it is difficult to use and not compatible with some of the upgrades to Firefox and Internet Explorer?

Mr. AYERS. Firefox and Internet Explorer we have already done. We have had that done. The modifications to the advance reservation system is an accumulation of comments since last October. So we gathered a number of those and that will be upgraded.

Ms. WASSERMAN SCHULTZ. Do you gentlemen have anything else?

STAFF-LED TOUR IMPROVEMENTS

Mr. ADERHOLT. Let me add from our last meeting we had, Madam Chair mentioned with the bipartisan leadership of the House Administration and Appropriations, we had voiced concerns about that. And I will say that during the spring break it seemed like things were moving much more fluid with the tours. I was up here for a couple of days during the break to get some school groups in and it seems to be going a lot more smoothly, so I think you all are on the right track as far as addressing those issues.

Ms. ROUSE. Thank you. We appreciate it. We had our highest day ever this past Monday, April 20, 2009, so it was quite robust. We definitely know people are interested in being here. So thank you.

UTILITY TUNNEL UPDATE

Ms. WASSERMAN SCHULTZ. The only other thing I wanted to ask you about was the utility tunnel progress, the abatement of the asbestos. How is that going? Where are you? My understanding is you are ahead of schedule.

Mr. AYERS. We are ahead of schedule and we are under budget. We are down to what we think is a total program cost of $186 million. And if you recall, we started out at $295 million and we are significantly under that. It has been a great year for that project. We have completed asbestos abatement in the Y tunnel, the V tunnel, the G tunnel and the B tunnel. We are significantly through the R tunnel as well, and we will have that done this year. I am sorry, we will have it done within a year from now.

The other issue in the tunnels was the delaminating concrete, and we have made significant progress there, over halfway done, eliminating those hazards in the Y tunnel, and more than one-third done in the R tunnel. All of the exposed piping that was previously exposed has now been insulated. We have got a great team in place that is effectively managing that project.

PRAISE FOR THE ACTING ARCHITECT

Ms. WASSERMAN SCHULTZ. Thank you. I don't have any other questions at this point. Let me just tell you, Mr. Ayers, that it is an absolute pleasure to work with you and to work with the employees in your agency. We have been through an evolutionary process since the committee was reestablished. We struggled at the beginning with the bringing-in-for-a-landing process of the CVC. I really want to commend you and your staff, who I think have come a long way since the days of Alan Hartman, no offense to Alan Hartman, but I think there has been dramatic improvements at the Architect of the Capitol. And you have been incredibly responsive to the membership. The Members that I talk to really feel like you are doing an excellent job. And I do as well, so I want to commend you.

GREENING OF THE CAPITOL

Mr. ADERHOLT. I would like to follow up on one question about the greening of the Capitol and your work there. And I know that a lot of it is being done on the House and, of course, the Capitol

and the CVC. But it is not campus-wide; is that correct? There are portions of the Capitol Complex that are not really under this energy independence? Is that correct and what is the——

Mr. AYERS. No, sir.

Mr. ADERHOLT. So it is the entire Complex?

Mr. AYERS. The Energy Independence and Security Act of 2007 established objectives of reducing energy intensity by 3 percent per year for 10 years, and that law is applicable not only to executive branch but also to leg branch agencies. So it is applicable to every building on Capitol Hill, and every building on the Hill is actively working to reduce energy consumption as well as reduce their carbon footprint.

Mr. ADERHOLT. Thank you.

ADDITIONAL ASSIGNMENT FOR AOC

Ms. WASSERMAN SCHULTZ. Thank you. Mr. Ayers, I am going to assign you some homework, which is traditional in the Legislative Branch Subcommittee, as you know. We have noted the work of the Architect of the Capitol, what you have been doing and have done to make the Capitol Complex a more energy efficient and environmentally responsible place. That is under the Speaker's leadership, and we appreciate that effort.

Supporting that work has been one of the key accomplishments of this subcommittee since it was reestablished in 2007. And in line with that, if you can give us a brief report by Monday, May 4th, describing your efforts in this regard at the Capitol Power Plant. The report should describe what actions have already been taken to make the plant a more energy efficient and environmentally responsible operation, and also discuss how your fiscal year 2010 request furthers the achievements of these ends, including a detailed explanation of your plan for shifting the Power Plant fuel mix away from coal. And if you could also include a brief description of the strategic review being done on the future of the Power Plant, with a summary of the various options being explored.

Mr. AYERS. I would be happy to do that.

Ms. WASSERMAN SCHULTZ. Thank you for your time. And we appreciate it and look forward to continuing to work with you.

Ms. ROUSE. Thank you.

Ms. WASSERMAN SCHULTZ. Thank you.

FY 2010 Budget Submission
April 23, 2:00 PM
Capitol Building – Room H-144

Questions for the Record from
Committee on Appropriations Legislative Branch Subcommittee
U.S. House of Representatives

Question. Mr. Ayers, you've noted the work the Architect of the Capitol is doing and has done to make the Capitol Complex a more energy efficient and environmentally-responsible place. Supporting that work has been one of the key accomplishments of this subcommittee since it was re-established in 2007. In line with that, I would like a brief report describing your efforts in this regard at the Capitol Power Plant. The report should 1) describe what actions have already been taken to make the Plant a more energy efficient and environmentally-responsible operation, and 2) also discuss how your FY 2010 request furthers the achievement of these ends-including 3) a detailed explanation of your plan for shifting the Power Plant fuel mix away from coal. Please also include 4) a brief description of the Strategic Review being done on the future of the Power Plant, with a summary of the various options being explored.

Response.

1) Recent Accomplishments

Over the past few years, the Office of the Architect of the Capitol (AOC) has implemented various projects and operational changes to improve the efficiency and minimize the environmental impact of the Capitol Power Plant (CPP). A significant accomplishment was the West Refrigeration Plant Expansion (WRPE). As part of this project, the AOC installed three high efficiency chillers in the expansion space and converted the chilled water distribution system from a primary to a more efficient primary/secondary pumping system. This project has resulted in significant energy savings and has helped the AOC meet the annual energy reduction requirements of the Energy Independence and Security Act of 2007. A list of other recent CPP energy-related accomplishments is included in an annex at the end of this report.

2) Fiscal Year 2010 Energy and Environmental CPP Requests

The following items included in the Fiscal Year 2010 budget request are related to CPP energy savings and environmental improvements:

- **CPP Infrastructure Investment ($10 million)** – This project will convert one coal-fired boiler to operate on 100% natural gas using fuel oil as an emergency back up to natural gas. The project will allow the CPP to operate efficiently and reliably on natural gas year-round.

- **Replacement of Existing WRP Switchgear Design ($740,000)** – This project is part of the West Refrigeration Plant modernization to replace the 30-year-old chiller systems to provide continued reliability and improve overall refrigeration plant efficiencies.

- **Mechanical System Survey and Retro-Commissioning Study ($250,000)** – This project will evaluate steam and chilled water systems, and develop new operating sequences to maximize efficiencies.

- **CPP Annual Utilities ($7.5 million)** – This increase is requested to cover utility rate increases, burn 100% natural gas and to purchase 100% Renewable Energy Credits (electricity) for the entire Capitol complex.

3) Strategy to Shift Fuel Mix away from Coal

On February 26, 2009, the AOC received a letter from the Speaker of the House and Senate Majority Leader regarding a shift from using coal to natural gas in the CPP boilers. Upon receiving the letter, the Acting Architect directed CPP staff to cancel all coal shipments, and within a week, the CPP had ceased all coal-burning operations.

The AOC also initiated short-term and long-term projects to increase the Plant's capability to burn natural gas. In the short-term, this summer during the non-peak load season, the AOC will perform repairs on Boiler Number 3. These repairs will restore capacity to the boiler while it is operating on natural gas. The AOC will also test and tune all boilers to improve efficiencies and increase natural gas-fueled capacity as much as possible. The AOC's Fiscal Year 2010 budget request also includes funding to burn 100% natural gas, in lieu of a coal-natural gas mix.

For the long-term, the AOC has requested authority to use $1 million in Fiscal Year 2009 Minor Construction funds to design a project to convert one coal-natural gas boiler (Boiler Number 2) to burn 100% natural gas. The estimated construction cost for this project is approximately $9 million, and is included in the AOC's Fiscal Year 2010 request.

4) CPP Long-Term Strategic Energy Plan

In order to balance the need for continued reliable and secure energy services, lessen the environmental impact, and sustain highly efficient, cost-effective operations, the CPP master plan must be revised to ensure that these long-term requirements are addressed. The CPP Strategic Long-Term Energy Plan is currently at the 70 percent draft stage

On March 12 and 13, 2009, a panel of industry experts assembled by the National Academy of Sciences (NAS) met to review and comment on the CPP's 70 percent draft Strategic Long-Term Energy Plan. The NAS panel is currently preparing an independent analysis of the plan and will issue an evaluation report by late May.

The CPP will incorporate comments and recommendations from the NAS report to finalize its Strategic Long-Term Energy Plan. Upon completion of the CPP Strategic Long-Term Energy Plan, the AOC will present the information to its Oversight Committees.

ANNEX: Recent CPP Energy-Related Accomplishments

Utility Services and Energy and Water Resource Conservation	
INITIATIVE	**Description**
West Refrigeration Plant Expansion Project	The AOC constructed the WRPE with chillers and pumping systems that are 20% more efficient than previous equipment.
Steam Trap Repair and Replacement	The AOC improved the efficiency of the steam system by replacing over 600 steam traps throughout the campus and tunnel systems.
Steam Condensate Return	Implemented system improvements so that all buildings return condensate to the CPP to recycle water that is generated when steam condenses. The AOC continues to maintain the system so that over 95% of buildings can return condensate except during periods of scheduled repairs.
CPP Chilled Water Discharge Temperature	Established an operating protocol to increase chilled water temperatures (used for cooling) from 39°F to approximately 45°F, when appropriate.
CPP Free Cooling Pilot	When appropriate, outside air is used to help cool the buildings. The initial implementation was a manual one and the AOC is now working to install digital controls. All buildings have enthalpy controls to monitor temperature and humidity to enable this savings when possible.
Upgrade of Boiler Feed Water Pumps	New CPP feed water pumping system will increase pump efficiency. Installation is in progress.
Seasonal Shutdown of Redundant Steam Distribution	Shutting down redundant sections of the Utility Distribution System during the summer season reduces thermal losses and saves energy.
Complex-wide Metering System	Completed House buildings, Capitol, and CPP; includes electric, steam, chilled water, natural gas, fuel oil, domestic water and condensate; will expand to entire campus with funds requested in FY 2010.
Renewable Energy Credits (RECs)	Contracted with General Services Administration (GSA) to purchase 3% of annual electrical usage as Renewable Energy Credits. In addition, purchased 107,365,000 KWH of wind generated RECs for FY 2008. Requested funds for 100% of electricity as RECs in FY 2010.
Renewable Fuel	The use of biodiesel at the CPP could reduce carbon emissions and lower the plant carbon footprint. The CPP conducted a successful test of a B-20 biodiesel blend in December 2008, and is evaluating test results and possible implementation.

FY 2010 Budget Submission
April 23, 2:00 PM
Capitol Building – Room H-144

Questions for the Record from
Committee on Appropriations Legislative Branch Subcommittee
U.S. House of Representatives

Questions for the Record for Mr. Stephen Ayers, Acting Architect of the Capitol
Submitted by Congresswoman Betty McCollum

Question. The National Arboretum is a treasure in Washington, D.C., especially this time of year with the blossoming of the Cherry Trees and Azaleas. Many of my constituents who enjoy the United States Botanic Garden would also enjoy visiting the National Arboretum. However, the Arboretum is difficult to visit without a car. Has there been any examination of the feasibility of a public shuttle to link the Botanic Garden and the National Arboretum for visitors to Washington, D.C.?

Response. Two years ago, the AOC met with representatives from the U.S. National Arboretum at their request. The Arboretum was considering implementing a "green" bus program to transport visitors between gardens that are not readily accessible by Metro, such as the U.S. Botanic Garden, the National Arboretum, and the National Park Service's Kenilworth Aquatic Gardens and Marsh. The AOC is not aware of any current plans to implement such a program; however, it will develop cost estimates and forward them to the Subcommittee for its consideration.

Questions for the Record for Mr. Stephen Ayers, Acting Architect of the Capitol
Submitted by Congressman Steven C. LaTourette

Question. You stated that you have both a Capitol Complex Master Planning process and that you regularly conduct independent Facility Condition Assessments and that one of your goals in fiscal year 2010 is "Solving the Deferred Maintenance and Capital Renewal backlog." What is the total amount of the backlog in the Capitol complex?

Response. At this time, the AOC estimates that, over a 10-year period, Deferred Maintenance is greater than $600 million and Capital Renewal requirements are in excess of $1 billion. These estimates are based on completed and nearly completed Facility Condition Assessments. Just as in the Fiscal Year 2009 budget request, the AOC has submitted Fiscal Year 2010 funding requests for its most immediate needs: $105.56 million in Deferred Maintenance projects, and $20.09 million in Capital Renewal. The AOC will continue to manage and plan the best means to accomplish Deferred Maintenance and Capital Renewal, taking into account project executability, construction fatigue, and fiscal constraints, and will seek the appropriate funding in future fiscal years.

Question. You clearly have significant building maintenance and rehabilitation responsibilities under your jurisdiction. I understand that in order meet these responsibilities you have both a full time staff and employ outside contractors to manage building projects. How do you determine whether to use staff or outside contractors for the work?

Response. Making a decision to use in-house personnel or to use contractors to perform construction projects is contingent upon a number of factors. These include the requirement (size, scope, cost, schedule, complexity, and urgency), resource availability (in-house expertise, in-house availability, availability of tools and equipment, and funding type), and risk assessment (lead-time for contract document preparation and award, assessment of competition, and whether it would be appropriate to contract the work based on documentation and schedule.)

Based on the assessment of these various criteria, the AOC Acquisition Strategy Board and Superintendent staff determines whether it will be more efficient and effective to execute the requirement with in-house personnel (either from within the jurisdiction, or using AOC Construction Division personnel) or with a contracted construction firm.

THURSDAY, APRIL 23, 2009.

CONGRESSIONAL BUDGET OFFICE

WITNESS

DOUGLAS W. ELMENDORF, DIRECTOR, CONGRESSIONAL BUDGET OFFICE

OPENING REMARKS—CHAIR WASSERMAN SCHULTZ

Ms. WASSERMAN SCHULTZ. Dr. Elmendorf, you are up.

We are going to turn to the Congressional Budget Office's fiscal year 2010 budget request. The Office is requesting $46 million next year, which is about a 5 percent increase over fiscal year 2009. Leave it to the Congressional Budget Office to be fiscally responsible and frugal. It is not surprising at all. It is actually the smallest requested increase of any Legislative Branch agency this year, in spite of the clearly growing demands that you have on CBO's already well-utilized resources. And I really want to express our appreciation, Dr. Elmendorf. The Members really are well served by your employees. It is an incredibly valuable service that you provide. Getting that analysis is extremely important. And we appreciate your restraint as well.

Mr. Aderholt.

Mr. ADERHOLT. We had a chance to visit a little bit earlier in the day, and thank you for coming by. I appreciated having a chance to visit with you personally. And I look forward to your testimony, so thank you for being here.

Ms. WASSERMAN SCHULTZ. Congratulations on your new position. And your statement will be entered into the record. You can proceed with a 5-minute summary.

OPENING STATEMENT—DR. ELMENDORF

Mr. ELMENDORF. Thank you very much, Madam Chair, Ranking Member Aderholt, Representative Cole, I appreciate the opportunity to testify today about CBO's budget request for fiscal year 2010.

Let me begin by noting that today CBO is celebrating Take Your Children to Work Day. The unusually young-appearing aides behind me are my daughters Laura and Caroline. The children of CBO came to see what their parents do for work. And one of the things——

Mr. ADERHOLT. I have my daughter as well.

Ms. WASSERMAN SCHULTZ. I had my son too, but he is with the Gators. He threw Mom over.

Mr. ELMENDORF. I like the chance to bring them to see one of the things I do, which is to have the chance to testify to Congress. As you know, I became CBO Director just 3 months ago. And I am

honored to have this position and to be making the case today for CBO's proposed budget.

CBO MISSION OVERVIEW

Let me begin by briefly reviewing our mission as was laid down by Congress more than 30 years ago and continues today. And I will focus on the ways in which the demands we face are evolving and how our budget is designed to meet those evolving demands.

Since CBO's launch in 1975, our mission is to provide Members of the Congress and their staffs the information you need to make effective budget and economic policy. And we are committed to providing information that is objective, representing not our personal opinions, but the consensus and diversity of views of experts from around the country; information that is insightful, applying the best new evidence and innovative ideas as well as the lessons of experience; information that is timely, responding as quickly as possible to the needs of Congress; and information that is clearly presented and explained so that policymakers and analysts understand the basis for our findings and have the opportunity to question our assumptions.

CBO STAFF

In providing this information, CBO's most important asset has always been its staff. We are about 240 people, mostly with PhD.'s in economics or master's degrees in public policy. I was an analyst at CBO about 15 years ago, and both that experience and my current experience, two characteristics of the CBO staff that impressed me most:

First is their very high level of knowledge, knowledge of the research literature in relevant fields, knowledge of cutting-edge analytic techniques, and knowledge of the institutional aspects of public tax and spending programs.

The second striking characteristic of CBO staff is their commitment to public service. Like many other congressional staff, CBO analysts are not paid as much as they might be in private-sector jobs requiring comparable qualifications or intensity of work. But CBO staffers believe, passionately, that determined efforts on our part can help you to make a better world. In a cynical age, it can be difficult to say that with a straight face. But it is a very real belief at CBO.

We have operated with about 235 staff members for the past decade. And CBO seems to be only a little undersized since its founding more than 30 years ago. Last year, my predecessor director, Peter Orszag, proposed to you a 2-year plan to increase the CBO staff from 235 to about 260, an increase of 10 percent. Peter quantified the increasing number of testimonies and the formal cost estimates prepared by CBO and described the growing amount of informal communications between Hill staff and CBO staff. He argued in particular that CBO needed to increase significantly its capacity to analyze policy changes regarding health-care delivery and financing.

BUDGET PRIORITIES

We are very grateful that you and your colleagues approved the first leg of that increase, and our budget for next year requests additional funding to move closer to that goal. Because of the Continuing Resolution this year, however, we were not able to begin hiring when we had hoped, and we don't want to rush the process and end up with the wrong people. So our budget for next year requests 254 FTEs rather than the 260 envisioned a year ago.

The analysts we have hired in the health area are playing a critical role in our current work on health reform. Reforming such a large and complex part of our economy is a daunting challenge for policymakers, and predicting the effects of a particular reform is a daunting challenge for us.

Despite the extensive analyses we have done in the past few years, current proposals require us to build new models and develop assumptions that affects the behavior we have not addressed before.

In addition, Members are increasingly exploring alternative policy changes with us on an informal basis. And we encourage that, but it increases our workload. Moreover, many relevant committees justifiably want their questions answered quickly. As a result, all the health analysts we have already hired are working flat out to meet the demands we face. And still, we are always adding to the crucial list of questions that we should be analyzing. Therefore, our budget includes funding for additional staff members in the health area.

FINANCIAL AND HOUSING MARKETS

Our budget also asks for funding for additional staff to analyze the financial system and housing market. The financial crisis and the government's responses to it have greatly boosted the demand for CBO's work. The legislation authorizing the TARP requires CBO to review the administration's reporting on the TARP. In addition, our budget projections must include assessments of the cost of the TARP, of dealing with Fannie Mae and Freddie Mac, and of the dramatically expanded activities of the FDIC and Federal Reserve. More generally, our assessment of the impact and costs from alternative financial and housing policies requires us to monitor and model the financial system to a degree we have not done before.

Beyond the health and financial areas, we are also requesting several additional staff in the editorial and IT functions, which are critical to our ability to produce and disseminate our findings in reports and testimonies and so on. As we expand analytic staff, we need to expand the support functions as well. I should mention, too, that additional people will need some place to sit, as Peter Orszag discussed last year. We have begun discussions with your staff about how to accommodate those needs.

I want to emphasize that CBO has also been responding to rising demands in some areas by shifting staffing positions away from topics that have become less central for the Congress. However, our scope for doing so is limited by the breadth of Congress' needs.

In addition to the topics I have already mentioned, in just the few months that I have been director, CBO has testified twice about the effects of legislation to limit greenhouse gas emissions, and embarked in estimating the impacts of new climate and energy proposals of significantly greater scope and complexity than the Lieberman-Warner bill we analyzed last year.

The national defense area, we put the finishing touches on studies examining missile defenses, modernization of the Army's combat forces, shipbuilding for the Navy and Coast Guard, and the next generation of fighter planes. We repeatedly updated our outlook for the economy and for Federal spending and revenues to incorporate rapidly changing economic conditions and the effect of the massive fiscal stimulus package and, of course, worked in many other areas as well.

In closing, let me just thank the members of the subcommittee for your strong support of CBO's work in the past. Your support of our budget request for next year would help us continue to do our job to the high standard that you and we expect.

Thank you. My colleagues and I are happy to answer any questions that you have.

[Dr. Elmendorf's prepared statement follows:]

Congressional Budget Office

Statement of
Douglas W. Elmendorf
Director

Appropriation Request for Fiscal Year 2010

before the
Subcommittee on Legislative Branch
Committee on Appropriations
U.S. House of Representatives

April 23, 2009

This document is embargoed until it is delivered at 2:00 p.m. (EDT), Thursday, April 23, 2009. 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 2010 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 88 percent of the agency's appropriation is devoted to personnel, with the remaining 12 percent for information technology (IT) and other equipment, supplies, and purchases of other items.

The proposed budget for fiscal year 2010 totals $46,365,000, a $2.3 million or 5.2 percent increase over the funding for fiscal year 2009. The net increase is the result of offsetting factors:

- An additional $2.2 million for rising mandatory pay and related costs for existing staff;
- An additional $1.4 million to expand CBO's staff by 12 full-time-equivalent positions (FTEs), from 242 to 254; and
- A reduction of $1.3 million in nonpay resources, partly because CBO plans to use some of its additional FTEs instead of contractors to analyze the Troubled Asset Relief Program and other government actions in response to turmoil in the financial markets.

Growing Demand for CBO's Analyses

The substantial budgetary and economic challenges facing the nation, both short-term and long-term, and the major policy issues currently before the Congress have created a growing demand for CBO's analyses. Some of the issues—like health care and climate change—are very complicated and require intensive analysis involving many staff members. Often, committees and Members seek CBO's analyses very early in the process of developing legislation and then engage in an iterative process to refine the legislation in light of its projected budgetary impact. For significant legislation, simultaneous work may be required on multiple proposals—for example, ones by both the majority and the minority, the House and the Senate, or multiple committees of jurisdiction.

The 12 additional FTEs (representing a 5 percent increase) that CBO requests for fiscal year 2010 would be used to help meet increased demand for analyses in several areas:

Health Care Issues
Growing costs for health care continue to be a key contributor to the nation's fiscal imbalance, and major health care legislation is on the agenda for the 111th Congress. However, the agency's current staffing in this area is insufficient to provide all of the analyses sought by the Congress, which are often needed on a very compressed schedule. CBO is increasing its work on options to expand health insurance coverage, long-term trends in the growth of health care costs, and potential areas of cost savings. It anticipates substantial work analyzing the impact on the federal budget and on health care spending generally of several broad proposals to modify federal health care programs and the broader health care system.

Four of the additional FTEs would continue an expansion of the agency's capabilities to analyze health care issues. That expansion began in fiscal year 2009, but because of the duration of the continuing resolution, CBO was not able to increase its staffing at the rate originally anticipated in the fiscal year 2009 budget request. As a result, CBO is reflecting these FTEs as new in the fiscal year 2010 budget request.

Financial and Housing Markets
CBO will continue efforts begun in fiscal year 2009 to analyze the financial and housing markets, including analysis to meet requirements under the Economic Stabilization Act. That law authorizes the Treasury, through the Troubled Asset Relief Program, to acquire or insure up to $700 billion in financial assets. The law stipulates that CBO report semiannually to the Congress with the agency's assessment of reports compiled by the Office of Management and Budget, including a discussion of the costs of purchases and guarantees of troubled assets; the information and valuation methods used to calculate such costs; and the impact on the federal budget deficit and the debt. In addition, the Federal Reserve, the Treasury, the Federal Deposit Insurance Corporation, Fannie Mae, and Freddie Mac are engaged in a variety of complex financial transactions aimed at stabilizing the financial markets, the banking system, and the housing market. Those transactions involve trillions of dollars, and CBO does not currently have the capacity to fully monitor and assess the impact of those activities.

Analyzing complex financial transactions with a sufficient degree of rigor requires supplementing the agency's current staff with several analysts with expertise in financial modeling, some of whom will probably also have previous experience with institutions in the financial sector. Given the wide array of assets that may ultimately be purchased or guaranteed by the government and the difficulty of attracting highly skilled financial market analysts at government salaries, specialized outside consultants with experience in particular financial markets may also be necessary.

Five FTEs would be devoted to this additional work on the financial and housing markets, including the requirements associated with the Economic Stabilization Act. Some of that work was, of necessity, done by contractors in fiscal year 2009 because of the lead time that it takes to hire experts in the financial arena.

Related Mission Support
CBO's editorial and publications staff are important in making the results of the agency's analyses readily usable by the Congress and the public. With more output, additional staff in this area will be required to maintain the timely production of reports, testimonies, and other published materials. In addition, with the expansion of the agency, additional IT resources are required to meet greater needs for operational support.

Therefore, to support the expanding analytic staff and mission, three additional FTEs would be devoted to providing editorial and publishing services and meeting IT requirements.

CBO's Work

CBO assists the Congress in exercising its responsibilities for the budget of the U.S. government and for other legislation. Under the 1974 Congressional Budget Act, the agency's primary duty is to support the Committees on the Budget of both Houses. The agency also supports the Congressional budget process by providing analyses requested by those committees; the Committees on Appropriations; the House Committee on Ways and Means; the Senate Committee on Finance; other committees; and, to the extent that resources permit, individual Members. In particular, CBO:

- Reports on the outlook for the budget and the economy to help the Congress prepare for the legislative year;
- Constructs baseline budget projections to serve as neutral benchmarks for gauging the effects of spending and revenue proposals;
- Prepares long-term projections of federal spending and revenues to help the Congress assess the impact of rising health care costs and an aging population;
- Assists the Committees on the Budget in developing the Congressional budget resolution by providing alternative spending and revenue paths and estimating the effects of various policy options;
- Analyzes the likely direct effects that the President's budgetary proposals will have on outlays and revenues, their economic implications, and any effects that those economic changes will have on the budget;

- Provides estimates of the cost of all appropriation bills at each stage of the legislative process, including estimates for numerous amendments considered during that process;

- Reports on all programs and activities for which authorizations for appropriations were not enacted or are scheduled to expire;

- Provides estimates of the cost of many legislative proposals, including formal cost estimates for all bills reported by committees of the House and Senate and detailed explanations of components of cost estimates and the estimating methodology;

- Estimates the cost of intergovernmental and private-sector mandates in reported bills and other legislative proposals;

- Conducts policy studies of governmental activities having major economic and budgetary impacts;

- Provides testimonies on a broad range of budget and economic issues, addressing the agency's budget projections as well as specific issues related to national security, health care and climate change policy, alternative means of financing infrastructure spending, economic and financial conditions, and numerous other program areas;

- Helps the Congress make budgetary choices by providing policy options, but not policy recommendations, for how it might alter federal outlays and revenues in the near term and over the longer term;

- Analyzes federal spending and revenue totals each month; and

- Constructs statistical, behavioral, and computational models to project short- and long-term costs and revenues of government programs.

Some Details of CBO's FY 2010 Budget Request

CBO's request would allow the agency to build on current efforts. Specifically, the request would fund the following:

- A workload of roughly 700 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 along with other publications, and a heavy schedule of Congressional testimony;

- 254 FTEs, an increase of 12 (4 to continue the expansion of the agency's capabilities to analyze health care issues; 5 to devote to CBO's additional analyses of the financial and housing markets, including new requirements under the Economic Stabilization Act; and 3 to support the expanded mission of the agency);

- A projected 8 percent (or $2.3 million) increase in base pay, of which $1.1 million would support the 12 new FTEs and the balance of $1.2 million, a combination of across-the-board increases, promotions, performance bonuses, and merit increases for current staff (the across-the-board increase is budgeted at 2.9 percent for staff earning a salary less than $100,000, which is consistent with the pay adjustment requested by other legislative branch agencies);

- A projected 14.7 percent (or $1.3 million) increase in the cost of benefits, of which $0.4 million would go toward the 12 new FTEs and the balance ($0.9 million), toward existing staff and employees who will fill vacant positions;

- The replacement of obsolete office equipment, desktop computers, and network servers, at $0.9 million—a decrease of $154,000, made possible because start-up requirements for the new staff are funded in fiscal year 2009 and do not recur;

- Expert consulting, at $0.7 million—a decrease of $1.3 million, which is made possible in part by shifting from contractor support to full-time staff to meet new requirements under the Economic Stabilization Act and to conduct other analyses in the financial and housing markets;

- Purchases of office supplies and subscriptions, at $0.6 million—a decrease of $138,000, made possible because some costs in fiscal year 2009 are nonrecurring;

- A contribution toward the activities of the Federal Accounting Standards Advisory Board at a normal operating level of $0.5 million—an increase of $58,600 based on inflation, as projected by the Government Accountability Office;

- The acquisition of commercial data necessary for CBO's analyses, at $352,000—an increase of $7,000;

- Financial management services, including support for payroll and financial systems, at $318,000—an increase of $39,900, primarily because of anticipated price hikes when renewing option-year contracts;

- IT system development, at $304,000—a decrease of $10,500 based on anticipated requirements;

- Essential software purchases, at $268,000—an increase of $8,000;

- Equipment maintenance, at $237,200—an increase of $2,000 based on current contracting data;

- Travel, at $229,800—an increase of $56,000, including costs to support new FTEs and added training;

- Telecommunications and telephone services, at $203,600—an increase of $8,100;

- Management and professional training, at $170,000—an increase of $21,500, of which $14,000 would be for the new FTEs, with the balance restoring training to roughly the fiscal year 2006 funding level;

- The completion of the redesign of the agency's Web-based information services and platforms, at $125,000—a project to update the agency's obsolete external and internal Web sites to enhance their usefulness, with improvements in content, functionality, and the timely delivery of various work products to the Congress; and

- Independent audit services, at $102,900—an increase of $4,900, which is based on contract award data.

I am pleased to report that CBO received its fifth consecutive clean opinion in the latest audit of its financial statements. The agency's sixth audit (of fiscal year 2008 financial statements) is ongoing.

Finally, I would like to thank the Committee for the funding provided this year to carry out the important tasks that CBO must accomplish.

TARP RESPONSIBILITIES

Ms. WASSERMAN SCHULTZ. Thank you very much Dr. Elmendorf. You covered the questions that I had pretty thoroughly in your remarks. But just a couple of things. One of the things I wanted to ask you about is your responsibilities under TARP and how you are dealing with those challenges, and the FTEs that you are asking for I assume are in part related to your expanded responsibilities there. What work are you doing now or do you plan to do in the coming year on all of those issues surrounding TARP, the state of the economy, the financial situation, the housing crisis, et cetera?

Mr. ELMENDORF. Several—I think of several pieces of our work in those areas. One is in our estimate of budget revenues and outlays and surplus, we need to estimate the cost of all of the financial entanglements that the Federal Government has now taken on. For the TARP legislation, that means under the law we need to estimate the expected losses over time, discounting the future returns from selling off some of these assets by the risk involved in them.

So we do a risk-adjusted present value calculation. This is a very complicated bit of financial calculations. I can't do it. Many people trained in economics can't do it. There are people with specific training in financial issues who can do it. We have a few of those on staff. When the TARP came along and we needed to do much more right away, we turned to a consulting firm to help us with the immediate crunch, but that is a very cost-ineffective way to proceed over the longer run. So that was a short-term contract to get us through that crucial period. But now we are trying to hire additional people to do that.

And it is not just the TARP. We also estimate the cost of the conservatorship of Fannie Mae and Freddie Mac. We have to think about the much greater activities that the FDIC is taking on and the outlays and later premium collections that will come with that; and the much greater activities of the Federal Reserve, and the expansion of their balance sheet to such a high level and the effect that that might have on the amount of money that they pay over to the Treasury. So there are all of these estimates that are around the cost in the Federal budget.

But we also are analyzing the effects of alternative policy. This is one of the first testimonies I gave in my first week as director. It was to assess some of the options for financial stabilization. That sort of analysis requires us to follow developments in the financial system, have more institutional understanding of the financial system and the various pieces that CBO has needed in the past. And we have hired several people who will be starting in the next month or 2 to help us do a better job of that.

And the same thing with housing policy. We spent time estimating the cost of some of the housing proposals, but also not just the Federal budget cost, but the question about what that would do to the housing market and the broader economy, and we are working on that as well.

I think beyond that, beyond the immediate crisis, there are the questions you will confront about how to restructure Fannie Mae and Freddie Mac for the future; what sort of housing support the Federal Government should and should not be providing over time;

more generally, what our housing policy should be. So I think we, like you, look to beyond the crisis and being able to set in place a more robust system going forward.

DIVERSITY CHALLENGES

Ms. WASSERMAN SCHULTZ. Thank you.

And then the only other question I had was, if you could—and we talked about it in my office when you came earlier—how are you dealing with the challenges that your office perennially faces to deal with diversity?

Mr. ELMENDORF. That is a very important topic for us in all of the hiring and promoting that we do. At the level, I think, of initial hiring, we work very hard to be sure that when we are looking for people, we are looking not just in perhaps traditional places, but we are looking very broadly. And everybody who we hire, the person doing the hiring has to report on the interviews they have conducted. And we in the central office, our Human Resources people, look at that list and we are sure people have, in fact, cast a wide enough net and are interviewing people that seem to reflect roughly the demographic composition of the pool from which that person might be hired. That demographic composition of the pools we hire from differs, depending on who we are trying to hire and what particular areas of expertise. But the system we use for that is, I think, very appropriately demanding on people doing that direct hiring.

There is also the very important question of how we promote and how we hire someone from inside and someone from the outside for more senior positions. And, again, we take great pains to cast a wide net. In addition to publicizing job openings in all of the places that we can think of, we reach out directly, personally, to our panel of economic advisers and our panel of health advisers. For the senior appointments that I have been responsible for, I have called a large number of people I know with expertise in various areas for suggestions of people, and that is partly for people with talents of certain sorts and partly to be sure we are looking for the most diversity we can. And we are also doing our part, or more than our part, to try to build more diverse pools in the future.

We have an extensive internship program. And we try very hard to have a diverse group of people in that we hope that more of them will go on to become economists or to get masters' degrees in public policy. I am actually scheduled to go out this summer to the American Economic Association's minority program, which is held in California, to talk with them. These are students who, again, are at a point where they might or might not go on to become professionals of the sort that we could hire. And I think we think—it is not something that I started at CBO, although I am enthusiastic about doing it—we think that by showing people how much fun we think it is to have the jobs we have, a few more of them will be persuaded to go and do that. And we are not—this is not a task that we have completed or a task that we will complete on my watch. But it is a task that we will pursue very aggressively.

Ms. WASSERMAN SCHULTZ. That question was asked in the spirit of Taking Our Daughters to Work Day.

Mr. ELMENDORF. I don't think my daughters have been sold that they want to come to Washington, unfortunately. But we are working on it.

NEW FTES

Mr. ADERHOLT. In regard to FTEs, you mentioned that you want to make sure you get the right ones to fill those roles. Did you say that, as of right now, that you have not hired any of those at this point? Or, would you please clarify what you were saying about FTEs.

Mr. ELMENDORF. Last year in our budget we requested 250—you all approved, Congress approved, 250 FTEs for this year. But because of the Continuing Resolution, those weren't made available to us until just a couple of months ago, well into the fiscal year, so we couldn't begin hiring for them. And we have high standards for whom we will hire. So when we started to look—and we are looking very vigorously now, but we don't think we can bring on board that full number of the right people on this time frame.

So our sense is that for this year, we are more likely to have about 242 FTEs rather than the 250 we hoped to have, just because of the slow start because of the Continuing Resolution.

Mr. ADERHOLT. And making sure you get the right person in there.

Mr. ELMENDORF. Absolutely. And we need people with a lot of skills, as I said. And then we also need to teach them and train them, people who come out of master's programs or Ph.D. programs, who have a lot of skills, but still won't know everything about how we do our job. So we need to make sure that we pair our latest hires with more experienced people as they learn the ropes. So it is also a matter of how many people we can effectively bring on board at once.

Ms. WASSERMAN SCHULTZ. Mr. Cole.

SALARY DIFFERENCES

Mr. COLE. Thank you, Madam Chair. First, thanks for the great job you do. Frankly, we always get wonderful service. But we are clearly now asking you to do a lot of things that you haven't done in the past. And I am going to focus first on this personnel issue, the problems that you have outlined in getting the right people.

What are the issues in terms of salary differentials in terms of what you can pay versus bringing people with different skill sets in and people that have high market value potentially in the private sector? Are you comfortable you are going to be able to pay people what you want to get the people you need?

Mr. ELMENDORF. No, I am not comfortable. I think we will manage. But it is a problem. Naturally the topics that are of great interest to you, and thus to us, are also of interest to other people in the world. So as we try to hire in health care and in finance, we are competing against very strong demands from elsewhere in the policy world and elsewhere in the world more broadly.

Finance is a particular issue. I spent a number of years with the Federal Reserve Board, which pays higher salaries than we can pay at CBO. And that was something that the Federal Reserve adopted to try to capture more of the top financially trained people.

Now, the collapse of many financial institutions has this very, very small silver lining for us, which is there are more people looking for jobs. So one of the people we have hired, is starting very shortly, was working for a private firm, and the firm is reducing its size. But notwithstanding that, we are paying him a fraction of what he can make other places. I think he is coming for the challenge of being in the policy world. But it does make me nervous to rely on that.

We try to run an agency that people want to work in. We have surveyed the people who work at CBO. They seem mostly happy, despite the demands we put on them. And the areas they are concerned about, training and communications, we are working hard to address. So we think we are doing everything we can to make the place as appealing to work. And obviously people recognize it to be a very important role in public policy, and that is the ultimate trump card in the hiring. But I do worry about salaries.

I think I just was handed a relevant note here which says the top 10 university economics departments are paying new Ph.D.s $134,000. That is a lot more than we can pay new people. It doesn't have to be hedge—it is not just the hedge funds. It is some other government agencies, like the Fed, and it is some of the academic institutions as well.

Mr. COLE. What is the salary differential between what you are able to offer and what you just cited?

Mr. ELMENDORF. We would pay new people a little less than $100,000.

TARP ISSUES

Mr. COLE. I may be dragging into areas that you don't want to go, just because I want to talk a little bit about the analysis of the TARP program. Probably the most questions I got from my home town meeting is enormous confusion between TARP, stimulus, omnibus, budget. And let's just start with the simplest one which I think is the most fundamental one.

TARP is effectively a purchase of either stock or assets, mostly stock right now, and preferred versus common, as I understand so far. So, one, is there a handy way you can get us the information of what we have actually bought, institution by institution? That is, where we have done preferred. I guess we are in the debate now as to whether we are going to do common or not. And what return? That is another thing that always astonishes my constituents is that we actually own something and we actually get a stream of income back off what we bought, like obviously more traditional budgeting aspects on the thing like the budget or like the stimulus.

Mr. ELMENDORF. Yes, we can provide you with information about at least some of the assets that are involved. The assets in the TARP we know. The Federal budget has been mostly historically on a cash basis. And that has in one way the virtue of transparency. As the government moves into more financial activities, buying more assets, cash calculations are less relevant. Unfortunately, the alternative calculations are much less transparent. And it is an important mission of ours.

We are in the process of hiring a senior finance adviser, actually a very distinguished finance expert, who we just about signed up

to come join us for a while. And she and I have discussed the crucial importance of educating Members of Congress and their staffs about the sorts of calculations that we do, what underlies them, how we come up with the numbers we come up with. Right now we estimate that of the $700 billion that can be laid out under the TARP, that the cost, the ultimate cost will be about half that, and in some sense that half of that money will end up being—the government will end up receiving through this stream of income or by selling assets in the end.

TOXIC ASSETS

Mr. COLE. Do you have any professional opinion on—in one of the big debates we had concerning TARP was the last administration's request was we are going to buy toxic assets. They got into it and figured out they really didn't have the personnel to do that and manage it. And Congress, I think rightly, made the decision to at least empower both the last administration and this administration to look at stock purchases as opposed to—which I actually felt much more comfortable with, because at the end of the day the assets are worth something. We get to sort of be first in line if we own stock, and I would rather people that actually bought the junk or toxic in the first place manage it, as opposed to us. And I am always—there are only two times we have taken this process, and that is usually when we buy something and when we sell something. So I am much more comfortable owning stock that I can price and I can decide where it is going to go, as to opposed to trying to manage something thousands of miles away.

Do you think we made a good decision collectively as a Congress in creating that option? Because the administration, again both of them, appear to have fallen back toward where Congress wanted to go as opposed to what the original proposals were.

Mr. ELMENDORF. So, CBO does not make policy recommendations. So I can't endorse or refute that. There were some writings a year or so ago by a private economist named Douglas W. Elmendorf that encouraged——

[Laughter.]

But I think the challenge that—I think it is extremely challenging to know how to proceed. We don't have any experience in this country like this, certainly not since the Depression. Other countries have been through banking or financial crises but with very different banking and financial systems.

So, unlike, if you get back to the fiscal stimulus, where we have never done anything on the scale that you all have voted to do—we have done things that are like it, but smaller—the financial side really is quite different. And the savings and loan bailout, for example, that was really all about how to sell off assets that the government took on sort of automatically through the FDIC resolution process.

The question that you are confronting now is how to absorb assets, in a way, to free up the banking system. And I think, in some ways, the crucial question is how much of that needs to happen and at what level will the private financial system be able to regain its footing so as to provide support for the rest of the economy.

I think everybody in the policy world has been very clear that there is no justification providing help for the financial system for the sake of the financial system. The question is all about the international experience in which crippled financial systems lead to economies that are in the ditch for potentially a very long time. And trying to decide how much has to happen, how much of the TARP should happen, how big the Federal Reserve balance sheet should be, how much subsidies should be provided through Fannie Mae and Freddie Mac to support housing—those are questions that analysts don't really have answers to.

And I think most analysts who look carefully at this think that you will all ultimately put more money in the financial system than you have so far, because the problems are not becoming resolved or are not being resolved at the current level. That is not a recommendation. That is just, I think, the consensus prediction of people who have studied this carefully, is that more money will be needed. That is going to raise the stakes on this question of just how to do it.

PAY BACK DEBT

Mr. COLE. There is already quite an emerging and, for a layman, somewhat confusing debate that is starting to emerge as to whether—let me put it this way. There has been a lot of controversy about some institutions being ready now to sort of return the money, pay us off, get us out of their business, which is enormously popular, I think, amongst—this is a business I certainly don't want to be in, and my constituents certainly don't want me in it.

Do you have any—can you give us the pros and cons? I am not trying to draw you into that policy place where you can't go. But the merits over whether or not we should—hey, if somebody wants to write the check, fine, we are done, versus the administration has advanced a position that they want to be careful that they are not coming back, that they are afraid they will suck too much liquidity out of the system and effectively defeat what we are trying to do.

Number one, should we have the option—or what is the merit of the option of us retaining that option, in other words? I am a little more comfortable, I guess, with private people. If they want to write the check back, believe me, I am happy to take the money back institution by institution where we can get out of that business as quickly as we can get out of that business. I think that is, frankly, where most people, no matter which side of the issue, are most comfortable being.

So do you see any merit in just saying, "Look, any time you are ready to pay back, we are ready to take the money," versus saying, "No, we don't want the money now, we are afraid you are going to overpay or pay too soon"?

Mr. ELMENDORF. I think the principal argument for letting people pay it off is that it helps to distinguish the banks that are thriving from the banks that are crippled, and that a lot of the problems of the financial system over the last year and more has been the uncertainty about who is holding the bag, who is really in trouble and who isn't.

And one of the accomplishments of many of these proposals for dealing with the trouble is to actually bring the information to

light. That is the point of the stress test, as well. So letting people pay off who are in healthy shape does distinguish them from those institutions that are sick. And there is a value in that.

I think the counterargument is that banks will be too eager to pay it off in an effort to prove they are okay, perhaps in an effort to get out from under the constraints that the Congress is imposing as quid pro quos for the money. In that sense, the banks will pay it back before they are really ready to do enough new lending, which is what we want to have happen to spur the economy.

Mr. COLE. Should we be making that decision, or should the bank be making that decision?

Ms. WASSERMAN SCHULTZ. Mr. Cole, you are on round three of 5 minutes.

Mr. COLE. Okay.

Mr. ELMENDORF. I think it is an appropriate question for policymakers to take up themselves.

Mr. COLE. One last question, Madam Chair.

Do you know of instances where we literally have refused to take the money back when somebody wanted to write us a check?

Mr. ELMENDORF. I don't know of that. We can check. I don't know.

Ms. WASSERMAN SCHULTZ. The gentleman's time having long since expired, thank you very much.

Mr. COLE. Thank you, Madam Chair.

Ms. WASSERMAN SCHULTZ. Any other questions?

Mr. ADERHOLT. I just would say thank you for bringing your daughters here today. We were glad to have them here.

Mr. ELMENDORF. Thank you very much, sir.

ADDITIONAL ASSIGNMENT FROM THE CHAIR

Ms. WASSERMAN SCHULTZ. Welcome to the Legislative Branch Subcommittee. We are, in the spirit of tradition, going to assign you some homework as well. With your expanded responsibilities for the TARP program, you obviously have additional demands for your services due to the turmoil in the financial sector and the housing sector and the overall economy.

So if you could by Monday, May 4th, give us a brief report on how your office is addressing those new responsibilities while still responding to your existing workload. And if you could highlight in the report how the additional FTEs that you have requested in fiscal year 2010 will facilitate your efforts in this regard.

Mr. ELMENDORF. Yes, I will.

Ms. WASSERMAN SCHULTZ. Thank you very much.

And with that, thank you very much, and the committee stands in recess until Tuesday, April 28th, at 1:00 p.m., when we will consider the Office of Compliance's FY 2010 budget request, as well as GAO and GPO. Thank you.

CONGRESSIONAL BUDGET OFFICE
U.S. Congress
Washington, DC 20515

Douglas W. Elmendorf, Director

May 4, 2009

Honorable Debbie Wasserman Schultz
Chair
House Committee on Appropriations
Subcommittee on Legislative Branch
U.S. House of Representatives
Washington, DC 20515

Dear Madam Chair:

As requested, the attached report reflects how CBO is addressing our expanded responsibilities related to the Troubled Asset Relief Program (TARP) as well as additional demand for our services due to the turmoil in the financial sector, the housing market, and the overall economy, while still responding to our existing workload.

Sincerely,

Douglas W. Elmendorf

Attachment

cc: Honorable Robert B. Aderholt
Ranking Member

CBO's Responsibilities Under the Emergency Economic Stabilization Act of 2008 and Other Financial Analyses

The Economic Stabilization Act, in section 201, specifies the following additional responsibilities for the Congressional Budget Office (CBO):

> (b) REPORTS BY THE CONGRESSIONAL BUDGET OFFICE.—Within 45 days of receipt by the Congress of each report from the Office of Management and Budget under subsection (a), the Congressional Budget Office shall report to the Congress the Congressional Budget Office's assessment of the report submitted by the Office of Management and Budget, including—
>
> (1) the cost of the troubled assets and guarantees of the troubled assets,
>
> (2) the information and valuation methods used to calculate such cost, and
>
> (3) the impact on the deficit and the debt.
>
> (c) FINANCIAL EXPERTISE.—In carrying out the duties in this subsection or performing analyses of activities under this Act, the Director of the Congressional Budget Office may employ personnel and procure the services of experts and consultants.

In addition to the reports directly mandated by the Economic Stabilization Act, the turmoil in the financial and housing markets has required extensive research and analysis in order to provide testimony and policy studies to the relevant Congressional committees and to accurately reflect in CBO's budget projections the costs of the greatly expanded financial activities of the government (including those of the Federal Reserve, the Federal Deposit Insurance Corporation, Fannie Mae, and Freddie Mac, as well as the Troubled Asset Relief Program).

To address those new responsibilities, CBO requested and received $2.3 million in additional resources in its fiscal year 2009 appropriation. Those additional resources coupled with support from existing staff (representing roughly 11 full-time-equivalent positions [FTEs]) enabled CBO to address the immediate needs of the Congress, while still allowing the agency to carry out its normal responsibilities—but only over the short term.

Specifically, McKinsey & Company provided the contractor support needed in November and December 2008 and January 2009 to assist with the initial valuation of the programs under the Troubled Asset Relief Program, which enabled CBO to complete its first report required by the Economic Stabilization Act.

Under the existing FTE cap for 2009, one additional staff member has already been hired, and CBO has extended an offer to a second (in an arrangement that allocated currently empty positions to that purpose). The first staff member is expected to start this summer, and the second, in October 2009. CBO intends to hire for an additional three positions.

Resources Allocated to Financial Analysis in Fiscal Year 2009

Macroeconomic Analysis Division. In fiscal year 2009, the Financial Studies Unit in the Macroeconomic Analysis Division has devoted all of its staff—until recently, four principal analysts and a manager—to analyzing the implications of the financial crisis for the economy and to the financial modeling necessary to construct CBO's baseline estimates for the government's financial programs. In addition, the Assistant Director of the division has spent a large portion of his time on those issues.

The division has recently hired an additional senior analyst for the Financial Studies Unit, using a previously allocated slot. That analyst will assist both in financial modeling and in the analysis of conditions in the banking industry. One more previously allocated slot remains open, for an analyst who will focus on the banking industry.

In the division's Projections Unit, one principal analyst and a manager spent a significant amount of time analyzing the housing industry, producing a background paper that is the basis for CBO's forecasts of house prices.

Budget Analysis Division. CBO's Budget Analysis Division has also devoted additional staff resources to financial analysis. Within its allocation of FTEs for fiscal year 2009, the division has carved out a staff slot for additional housing analysis within the Natural and Physical Resources Cost Estimates Unit. CBO filled the slot in November 2008 and shifted responsibilities among analysts to allow the newly hired person to devote most of her time to analyzing the activities of the Fannie Mae and Freddie Mac. She constructs and maintains CBO's baseline estimates of the subsidy costs for operating those government-sponsored enterprises under the federal government's conservatorship and will prepare cost estimates for any legislation related to their operations in the future, legislative proposals affecting outstanding mortgages, and other housing initiatives.

In addition, the Budget Analysis Division has created the position of financial market analyst within its Projections Unit, again using an existing staff slot within CBO's overall FTE allocation. CBO just filled that slot. The new analyst will have primary responsibility for estimating the net effects of the Troubled Asset Relief Program on the federal budget. That work includes constructing and updating models to calculate CBO's estimate of the subsidy cost of the program and writing CBO's statutory reports on the program, as well as portions of the agency's annual reports. In addition, the analyst will track other actions in response to financial market turmoil and work on CBO's products related to such actions.

Several other staff members of the Budget Analysis Division devote a significant amount of their time to housing and other financial analyses. Four analysts spend all or most of their time to that work, and five managers devote a substantial portion of their time to it.

Tax Analysis Division. The Tax Analysis Division has devoted a significant portion of the time of two senior staff members—the assistant director and a principal analyst—to

review and report on how the actions taken by the Federal Reserve System to contain the economic damage from the financial disruptions relate to the federal budget. Profits of the Federal Reserve System are counted as revenues when they are remitted to the Treasury. Profits typically depend primarily on interest earned on the portfolio of securities held by the Federal Reserve, adjusted for any gains and losses from holdings of foreign-denominated assets, whose value changes as exchange rates change. Recent actions by the Federal Reserve could have budgetary impacts if it realizes gains or losses on those new activities. CBO is preparing a report describing how the Federal Reserve operates and how its actions in response to the financial turmoil could affect the federal budget.

Office of the Director. CBO's general counsel devoted a considerable portion of his time to financial analysis tasks. Using his experience as a securities lawyer, he analyzed the structure of mortgage-backed securities contracts. He also provided advice on the likely legal consequences of the Treasury's investments in financial institutions and proposals regarding deposit insurance and bankruptcy. In addition, he assisted with the development of the baseline for the Federal Deposit Insurance Corporation. Over the past few months, he and CBO's chief acquisition officer have been heavily involved with negotiating consulting and data-use agreements.

Consultants and Data Acquisition. The requirements of the Economic Stabilization Act have increased CBO's need for additional financial data. The Public-Private Investment Program (PPIP) is intended to purchase various financial securities and whole loans from financial institutions. In order to evaluate the possible subsidy cost of those purchases, CBO needs the prices of similar assets. In cases where such comparables do not exist, CBO needs to know the specific characteristics of the assets in order to approximate the assets' values. The prices and characteristics of the assets that the PPIP may buy are available from several firms, and CBO is in the process of evaluating the services offered by those firms.

Determining the potential cost of efforts to assist mortgage borrowers requires data on the mortgage market and the financial characteristics of them. CBO is in the process of acquiring such data. In addition, to provide some capacity for rapid-response requests from the Congress, CBO also is contracting with two consultants for support. Once CBO has improved its capability and capacity for analyzing the mortgage data, the contracts with those consultants will be terminated.

New Financial Positions Filled and Open in Fiscal Year 2009

In the Budget Justification for its Fiscal Year 2010 Request for Appropriations, CBO requested five additional FTEs for its financial work, at least some of which would be filled this year from the agency's existing FTE allocation. Two of those positions have already been filled, and CBO is recruiting for the other three.

Macroeconomic Analysis Division. The new position of financial modeler is due to be filled this summer. That analyst will work with existing staff on the valuation of

portfolios of securities held by the various financial programs (including those of the Federal Reserve). Those valuations will assist CBO in constructing its budget baseline, in providing the reports mandated under the Economic Stabilization Act, and in providing information to Congress on the workings and implications of the financial programs of government.

The new position of securities market analyst is not yet filled. That analyst will be responsible for reporting on activity in the markets for mortgage-backed securities, related derivatives, and interbank loans. That information will assist CBO in understanding the state of financial markets, in valuing security portfolios, and in providing information to the Congress on financial markets and the workings and implications of the financial programs of government.

Office of the Director. Senior adviser on financial analysis is a new position that has been tentatively filled, and the person is expected to join CBO in October 2009. The senior adviser will play a key analytical oversight role in CBO's efforts to assess the federal government's evolving responses to the interventions in and direct assistance to financial markets.

A legal assistant in the Office of the General Counsel is a new position that has not yet been filled. By carrying out some of the more routine responsibilities of that office, that person will enable the general counsel to provide additional support to CBO's analysis of complex financial instruments involved in the financial crisis and to obtain the data and contractor support necessary to complete analyses in a timely way.

Microeconomic Studies Division. A market structure analyst is a new, as-yet-unfilled position. That analyst will help evaluate the design and implementation of the market and institutional mechanisms used by the federal government to revive and restructure financial markets, and the implications of those institutions for the cost of the economic recovery plan to the government. That staff member will need to have a background in industrial organization, with an emphasis on auctions, bargaining, and market design, as well as knowledge of financial markets and institutions.

Support to the Congress

In order to respond to its existing workload and address new responsibilities for financial analysis, CBO will continue to prioritize requests received from the Congress. By law, CBO gives priority to committees—and even then, it sometimes has to ask committees to prioritize their requests because CBO cannot do all of them quickly. The agency's priorities are also based on the imminence of legislative action: Estimates that are needed for legislation that is being considered on the floor of the House or Senate or that is about to be marked up by a committee or subcommittee generally take priority over other types of estimates.

TUESDAY, APRIL 28, 2009.

GOVERNMENT PRINTING OFFICE (GPO)

WITNESS

ROBERT C. TAPELLA, PUBLIC PRINTER OF THE UNITED STATES

OPENING REMARKS—CHAIR WASSERMAN SCHULTZ

Ms. WASSERMAN SCHULTZ. I would like to call this meeting of the Legislative Branch Subcommittee of the Committee on Appropriations to order.

This is our third budget hearing for fiscal year 2010. Today we will hear from the Government Printing Office; the Government Accountability Office; and the Office of Compliance, OOC. I think of them in acronyms now, which is really not good.

We will hear first from Bob Tapella, the Public Printer, who will be GPO's only witness. GPO is requesting $166 million next year, which is a $26 million or 18 percent increase over fiscal year 2009. This is an increase that is due almost entirely to a request in the revolving fund for investment in GPO's technology and physical infrastructure.

The fiscal year 2009 bill provided you with a pretty significant boost, one which allowed you to absorb the congressional printing shortfall, so although I know your needs are great, an 18 percent increase will be virtually impossible to sustain. So I look forward to hearing from you about your priorities, as we discussed in my office, and what your absolute must-haves are versus the "I would like to have these."

Your statement has been received, and we will enter it for the record.

Mr. Aderholt do you have any remarks?

OPENING REMARKS—MR. ADERHOLT

Mr. ADERHOLT. Yes, thank you, Madam Chair.

Thank you for being here today and giving us testimony. We want to welcome the Public Printer. We very much enjoyed our tour a few days ago, and it was a great experience to have a chance to visit. It was my first time over there. The Chair, I think maybe she has been before.

Ms. WASSERMAN SCHULTZ. No, it was my first time, too.

Mr. ADERHOLT. It was a great time to see what goes on over there and so much of the work that takes place we on a daily basis.

I am glad to have my wife, who is visiting with us for a few minutes today, Caroline. I am glad she was able to join us today for a little bit as well.

Anyway, we look forward to your testimony and also to discuss your 2010 budget request.

Ms. WASSERMAN SCHULTZ. Your statement will be entered into the record, and you can proceed with a 5-minute summary.

OPENING STATEMENT—MR. TAPELLA

Mr. TAPELLA. Thank you. Madam Chair, Mr. Aderholt and Members of the Subcommittee, I appreciate you inviting me to be here today to discuss GPO's appropriations request for fiscal year 2010. I have submitted my prepared statement for the record, and with your permission, I have just a few brief remarks.

First, Madam Chair, Mr. Aderholt, thank you for taking the time out of your busy schedules to visit GPO and see first hand the great work of the dedicated men and women that serve you every day. It is the first time in my memory that our appropriators have paid us a visit. We were delighted to have you come by and look forward to having you visit again.

And to the other members of the Subcommittee, I extend a very warm welcome to please come to GPO and see what we do.

Second, I want to thank you all for your support for GPO's appropriation for fiscal year 2009. This funding eliminates the shortfall in congressional printing and binding, allows us to undertake a number of valuable projects supporting electronic information dissemination to depository libraries and other users, bring FDsys closer to completion, repair our roof, and begin to renovate our elevators.

Third, now that the shortfall has been repaid, for fiscal year 2010 we are able to request a reduction in the appropriations for congressional printing and binding of approximately $3.5 million. For the salaries and expenses of the Superintendent of Documents, we are seeking a modest increase of $2.2 million to continue transforming the Federal Depository Library Program into a predominantly electronic basis. For our revolving fund, we are seeking an increase of $18.5 million to complete the development of FDsys and carry out a number of critically important IT infrastructure projects.

And quite frankly, Madam Chair, Mr. Aderholt, if a picture is worth 1,000 words, I sure hope a site visit to our factory is worth $13.6 million for necessary building maintenance and repairs.

Now I understand there will be limitations on what the Subcommittee can recommend for us. And so I will be happy to discuss our priorities for this funding with you today.

And finally, as I have discussed earlier with many of you, the GPO, like many other agencies and businesses these days, is facing a very different business climate this year, in our case a direct result from a significant reduction in the demand for passports from the Department of State. We are tightening our belts, evaluating all costs and proposed projects, and taking all available measures to ensure we stay within our budget. I won't kid you, though; this is going to be a really tough year for us. With your understanding and support, our objective is to complete this year on a sound financial basis.

Madam Chair, Mr. Aderholt, members of the Subcommittee, this concludes my opening remarks, and I would be happy to answer any questions you may have.

[Mr. Tapella's prepared statement follows:]

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 2010

H-144, The Capitol

Wednesday, April 22, 2009
1:00 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 2010.

Results of FY 2008

Building on our continuing transformation, GPO recorded another year of positive performance in FY 2008. Much of this was attributable to the production of passports. The State Department's requirement for these documents grew significantly during the year, rising by nearly a third—from an estimated 18 million to approximately 24 million—by year's end. By mid-year FY 2009, however, passport production had decreased significantly due to reduced demand from the State Department.

GPO's support for Congress during FY 2008 was highlighted by work on products required for the Joint Congressional Committee on Inaugural Ceremonies, including invitations, maps, signs, programs, tickets, and other products, most notably secure credentials for law enforcement personnel associated with this event. During the year GPO also began producing the new edition of the U.S. Code, and delivered a number of other important congressional products, including *Black Americans in Congress, 1807-2007*. For Federal agencies, GPO began procuring work to support the upcoming 2010 Census, built its smart card business to help support State Department and Homeland Security travel documents, and with the Office of Management and Budget GPO coordinated the electronic delivery to Congress of the official version of the *Budget of the United States Government for FY 2009*, which we authenticated by digital signature.

GPO's electronic transition efforts proceeded apace as we readied our Federal Digital System (FDsys) for its first public release, which occurred in January 2009. This system will replace and improve on the services of *GPO Access*, which has provided the public with online access to Government information since 1994; funding for FDsys operating costs in the future will be derived from the appropriated funding sources currently supporting *GPO Access*. FDsys will also serve as GPO's digital platform, with a planned capability to provide for the intake, storage, processing, and output of Government publication content in a variety of forms and formats. With a state-of-the-art search and retrieval capability, FDsys is uniquely positioned to support the new Administration's commitment to providing greater openness and transparency in Government information. During the year GPO also expanded its authentication capabilities. In addition to the *Budget*, GPO completed work on authenticating selected congressional bills for the 110th Congress and is extending this capability to all bills in the 111th Congress.

Over the past several years, GPO has implemented a variety of green initiatives in its operations: for more than a decade, for example, printing papers used by GPO have met the requirements for recycled content contained in the Resource Conservation and Recovery Act of 1989, as amended, and corresponding Executive Orders. The printing

inks used by GPO and its contractors comply with the requirements of the Vegetable Ink Printing Act of 1994. GPO works with the Environmental Protection Agency and the District of Columbia to meet the standards for emissions of volatile organic compounds established by the Clean Air Act.

However, there is more that GPO can do in this field, and during FY 2008 sustainable environmental stewardship was the focus of a concentrated effort at GPO. In my view, the future of sustainable environmental stewardship means being proactive and making changes so that GPO becomes a more efficient operation that makes better use of the resources under our control. During FY 2008, we articulated a vision for the entire lifecycle of what GPO produces, from how we source the raw materials to how we produce our products, to what happens to the products when consumers are done with them.

For GPO, this means a variety initiatives, including development of a plan for moving from web offset presses to digital equipment to reduce paper consumption; accelerating the re-engineering of business processes in production, procurement, documents dissemination, and administration to take advantage of the efficiencies offered by digital technology; conducting energy audits throughout our facilities to reduce our energy demand; using more environmentally responsible paper; reducing hazardous waste through solvent recovery systems, and reducing the total amount of waste generated by our operations; and installing a "green" roof on our building, in targeted areas, to double the life expectancy of the roof and reduce heating demands in the building. During FY 2008, GPO made significant progress in these fields and laid the groundwork for continued sustainability improvements in the coming year.

FY 2010 Appropriations Request

For FY 2010, we are requesting a total of $166,307,000, to enable us to:

- Meet projected requirements for GPO's congressional printing and binding and information dissemination operations during FY 2010;
- Provide investment funds for necessary information dissemination projects in the Federal Depository Library Program;
- Complete the development of FDsys and implement other improvements to GPO's information technology infrastructure; and
- Perform essential maintenance and repairs on GPO's buildings.

Congressional Printing and Binding

FY 2009 Approved	$ 96,828,000
FY 2010 Request	$ 93,296,000
Change	($ 3,532,000)
Change includes:	
Price level changes	$ 2,362,000
Volume changes	$ 3,273,000
Elimination of shortfall	($ 9,167,000)

We are requesting $93,296,000 for this account, representing a decrease of $3,532,000 from the level approved for FY 2009.

Funding for FY 2010 congressional printing and binding requirements includes price level changes averaging 2.7% that are attributable primarily to existing wage contracts, as well as estimated volume changes in certain workload categories based on historical data. GPO projects an increased volume for the daily *Congressional Record*, business and committee calendars, miscellaneous printing and binding, hearings, document envelopes and document franks, and *Congressional Record* indexers. These workload increases will be offset by reductions in volume for committee prints, miscellaneous publications, bills, resolutions, and amendments, committee reports, and other workload categories. The funding provided for FY 2009 eliminated the shortfall in this appropriation that was accumulated in FY 2007 and FY 2008.

Salaries and Expenses of the Superintendent of Documents

FY 2009 Approved	$ 38,744,000
FY 2010 Request	$ 40,911,000
Change	$ 2,167,000

Change includes:

Mandatory Requirements	$ 1,094,000
Investment Requirements	$ 1,073,000

We are requesting $40,911,000 for this account, representing an increase of $2,167,000 over the level approved for FY 2009. The increase is to cover mandatory pay and price level changes, and to continue improving public access to Government information in electronic formats by implementing a series of projects and hiring additional program specialists.

As GPO continues to perform information dissemination through the Federal Depository Library Program (FDLP) on a predominately electronic basis, as mandated by the conference report accompanying the Legislative Branch Appropriations Act for FY 1996, we need to make continuing investments in this program's technology infrastructure and supporting systems. Included in our request for FY 2010 is funding to cover additional data storage, the migration of legacy applications to updated service functions, miscellaneous materials for digitization projects, survey and data analysis, legacy application integration for the FDLP desktop, and hiring 10 additional full-time equivalents to perform acquisitions, classification, cataloging and indexing, and related requirements.

Revolving Fund

FY 2009 Approved	$ 4,995,000
FY 2010 Request	$ 32,100,000
Change	$ 27,105,000

Change includes:

Investments in information technology infrastructure and systems development	$ 18,500,000
Building maintenance and repairs	$ 13,600,000

We are requesting $32,100,000 for this account, to remain available until expended, to fund essential investments in information technology infrastructure and systems development, as well as needed maintenance and repairs to GPO's buildings.

Our request includes $18,500,000 for investments in information technology infrastructure and systems development. The key projects covered under this heading are $8 million to complete the development of FDsys; $9.5 million to replace GPO's automated composition system, implement an automated manufacturing workflow system, continue implementing GPO's Oracle business systems, and fund related projects; and $1 million for continuity-of-operations (COOP) improvements to GPO's presence at the legislative branch alternate computing facility.

The balance of our request is $13,600,000 for necessary repairs and maintenance to GPO's buildings, including continuing elevator replacement and renovation, window replacement for energy conservation, and related projects. Our request includes $1.7 million for various green and environmental initiatives. The funding provided for FY 2009 will pay for a new roof as well as contribute to elevator repairs and FDsys development.

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.

TOP PRIORITIES FOR GPO

Ms. WASSERMAN SCHULTZ. Thank you very much.

If you could, take us through some of your top-priority items so that we know when we are trying to modify your budget request what those are.

Mr. TAPELLA. Okay, top priorities: FDsys, the Federal Digital System, there is an $8 million request for that in the revolving fund.

The composition system replacement project, $2 million we are requesting, and that is the composition system that we use to prepare all congressional material.

The third item that is a high priority is what we call GBIS, which is the GPO Business Information System, our Oracle applications, which is all of our back-office functions, and for that we are requesting $3 million.

The smallest item we are asking for is $200,000 for an R22 phaseout, which is an air-conditioning refrigerant, and the EPA is requiring us to phase it out of use.

And finally, for our building, about $3 million in elevator repairs.

If only these priorities were funded, along with our request for CP&B and the S&E, our increase over fiscal year 2009 would be 7 percent. And so that is my must-have list.

FINANCIAL SITUATION

Ms. WASSERMAN SCHULTZ. Okay. Thank you.

Talk to us a little bit about the passport production situation. I know only a small portion of your budget comes from appropriated dollars, and most comes from services that you provide to other Federal agencies. And the trend, as I have observed since we reconstituted this Subcommittee, is that your finances have, until this year, improved dramatically, to the point where you were actually making a profit, which I tried to appropriate. It is extremely enticing to have an agency that is turning a profit.

But as you very rightly warned me, there are years like the one that we are in now, where you maybe aren't going to turn a profit and have a downturn. So if you can walk us through the various sources that you get funding from and how you deal with the ebb and flow of that. Are you going to run in the black in spite of the drop in passport production? And what happens if you don't?

Mr. TAPELLA. First of all, for fiscal year 2009, we set GPO's budget at $1,020,000,000. That was based on estimates on what we thought congressional work was going to be, on estimates given to us by the State Department of the number of passports they were going to require, and on past history from the printing we do for Federal agencies, which we call printing procurement. At that budget level, we were anticipating $2 million in retained earnings. We use the terminology "retained earnings" not "profits" because we are also actually not a business. We are a wholly-owned Government entity.

IMPACT ON BUDGET

In fiscal year 2008, our retained earnings were $46 million. That was after we returned $51 million to the State Department in the

form of over-recovery, and obviously, we follow the law that says, if we are charging for a specific item, we only use that money for that item. And we ran into a situation in fiscal year 2008 where we produced 24.5 million passports for the State Department. Going into fiscal year 2009, the State Department gave us an estimate in the 17–18 million range. We budgeted for 16.5 million passports, but just before Christmas, they changed the number to 10.5 million passports this year. So that means that we are facing a $36 million operating gap at GPO.

As we look at our actual budget, this is the first month where we are facing a deficit. For fiscal year 2009, as of the close of March 2009, we had a net operating loss of $4.4 million. That compared last year to a net operating income of $65,861,000.

We are looking at everything we are doing. It is my anticipation that we will be in the black at the end of the year, but it is going to be really tough. In fact, next week, I am gathering all of the senior managers of GPO together, and we are spending a complete day going through everyone's budgets and making certain of the things that we can remove or hold off on.

And it sort of answers the question earlier which you resolved last year in the budget about the retained earnings and what happens when there is a shortfall in the Congressional Printing and Binding Appropriation. It means that we don't have available cash in the revolving fund. Fortunately, we do have cash in the revolving fund, and that helps tide us over when lean years occur.

EEO AND DISCRIMINATION COMPLAINTS

Ms. WASSERMAN SCHULTZ. Last year we talked about the number of EEO and discrimination complaints that GPO had pending at that time. And in your weekly reports, I continue to see those complaints being filed. While, in some cases, there may not have been as many, you consistently, at least you seem to be one of the only, if not the only, agency that has as many EEO complaints as you do. So what steps are you taking to address the environment that exists at GPO that is resulting in these complaints?

Mr. TAPELLA. At the end of last month, we had a total of 49 complaints filed for the fiscal year to date. Of those, 21 were from a group of employees in our Digital Production Center. I actually don't believe those 21 are really any EEO issue. It is a management issue. And we are very seriously addressing a management issue that came to our attention through that process.

During all of fiscal year 2008, we had a total of 45 complaints filed. So if we discount the DPC case of 21, we are on par with where we were last year at this time.

Ms. WASSERMAN SCHULTZ. So there has not been a reduction.

Mr. TAPELLA. There has not been a reduction.

Now what we have done is, in our strategic plan, and in every manager's performance plan, EEO is now one of the issues in which every single manager and supervisor is being rated on. We have stepped up the number of classes and the training, including frontline supervisor training, and we are requiring all the frontline supervisors to take training in discrimination and EEO practices, and we have been going as full-steam-ahead as we can trying to bring it to the attention of folks.

EEO GOALS

Ms. WASSERMAN SCHULTZ. Before I turn to Mr. Aderholt, because I was stalling until you came back, are you certain that you are doing enough right now to make sure that GPO, throughout GPO, that you have an environment that is, a work environment, that is free from discrimination or discriminatory conduct?

Mr. TAPELLA. Let me put it this way, I believe that having a workplace free of discriminatory practices is important. I have made it paramount to those folks that report to me, and I have requested that we work our way through the chain of command.

Ms. WASSERMAN SCHULTZ. Is that a long way of saying, no, not yet, but you are working it on?

Mr. TAPELLA. Yes, I think so.

We are running an agency of 2,351 people in a factory environment with a long history. And through the last few years, when we have done the transformation of GPO, I think we have made some significant changes, and I think we are seeing some results of those changes.

But I don't think it can change overnight. I wish it could, but I don't think it is going to happen. But we do have a plan. We are working towards that plan. We have made it a priority. And I will continue while I am Public Printer to make it a priority.

Ms. WASSERMAN SCHULTZ. Thank you.

Mr. Aderholt.

Mr. ADERHOLT. Thank you, Madam Chair.

REPRESENTATION FUND

It is my understanding there is an authorization to use $5,000 in a revolving fund for representation and reception allowances.

Mr. TAPELLA. Yes.

Mr. ADERHOLT. Could you tell the committee a little bit about what that is used for?

Mr. TAPELLA. Most Government agencies are not allowed to use appropriated dollars for entertainment purposes unless specifically authorized by law. And so there are what are called representation and reception allowances.

In GPO's case, it is not appropriated money. What we have is an authorization to use revolving fund money for the same purposes.

Now, unlike most other Federal agencies out there, we operate more like a business, and so we have to market our products and services. We actually have 450 agency customers and over 5,000 individual agency addresses of folks that we do business with on a daily basis. Last year, we procured about 135,000 individual print jobs from the private sector on behalf of Federal agencies.

So we use that fund the same way that a business would use a typical sales and entertaining fund, which is building relationships with our customers, both here on the Hill as well as throughout all Federal agencies. And up to this point, the fund has been $5,000.

I, personally, don't think it is enough. And I personally—myself and my predecessor—have been footing bills beyond the $5,000 to make certain that GPO can continue its business. And that is part of the reason why the turnaround has been so successful, because we have been building relationships with our customers.

The biggest functions that we typically do are a Fourth of July celebration on the rooftop where people can watch the fireworks; and a second one during the holiday season, an open house. We also regularly invite folks in to see the Creative Services Department and other activities at GPO, and to even pay for the coffee and bottled water comes out of the rep fund.

Ms. WASSERMAN SCHULTZ. You need to invite your oversight committee to the July Fourth event.

Mr. TAPELLA. In fact, we have. Every Member of Congress has been invited to the Fourth of July, as have all of the staff on our oversight and appropriations committees. And you are cordially invited for this coming July Fourth.

Ms. WASSERMAN SCHULTZ. Thank you.

Mr. ADERHOLT. Good point. I was thinking the same thing.

Mr. TAPELLA. Last year we had three or four Members attend.

Mr. ADERHOLT. So, with this revolving fund, you said the $5,000 you think is not sufficient.

Mr. TAPELLA. Correct, it is not sufficient.

Mr. ADERHOLT. What do you think would be more in line? I am not holding you to a certain number.

Mr. TAPELLA. What I can tell you is, last year, last calendar year, I spent just over $25,000 in what would be rep fund activities, and the first $5,000 came out of the rep fund, and the remaining $20,000 came out of my pocket.

My predecessor did about the same and actually more. He had significantly deeper pockets than I do. And so I am not sure what a reasonable number is for Congress. If we could get it up to at least $7,500, that would be a big help to the next Public Printer, so that we can continue to do the things that we do.

INCREASE IN CONGRESSIONAL RECORD VOLUME

Mr. ADERHOLT. In your statement, you indicate that there is a projected increase in volume for the daily Congressional Record. With the availability of the Web access, what contributes to this added increase in the volume of the daily Congressional Record?

Mr. TAPELLA. I don't have an answer for you on that. Are you talking about the dollar increase or the volume increase?

Mr. ADERHOLT. The volume.

Mr. TAPELLA. I misunderstood. It is not the quantities that we are producing. It is the size of each edition. Historically, at the beginning of the new Congress, Congress talks a lot more. More bills are introduced. That makes a larger volume for the particular editions. The number of printed copies of those editions is actually reducing on a fairly regular basis. There is a trendline on that. And we use historical data to make that determination.

ELECTRONIC ACCESS

Mr. ADERHOLT. Where are you on the, as far as on the Web access right now? I always see the printed copies, but tell us a little about what your plans are on that.

Mr. TAPELLA. First of all, when it comes to the Congressional Record, the printed Congressional Record is delivered to the Chambers typically at 9:00 a.m., at the beginning of each legislative day. The electronic version is typically available at 6:00 a.m. on the

Web. And we are in the process of the migration from the former GPO Access, which we began in 1994, to what today we have, which is called the Federal Digital System, FDsys. And we released that in beta in January. We publicly released it on February 4th.

Electronically it is available, and it is available before the printed copies are available to you. It is searchable. And with the FDsys, and I am sorry, when you were over for the tour, we didn't have a chance to spend some time showing FDsys. It is now searchable in ways that it had never been searchable before, by Member, by subject heading, by types of bills. It is incredible. And we did a lot of work with Congress, user groups in Congress and the library community to make certain it is as robust as possible.

Ms. WASSERMAN SCHULTZ. Ms. McCollum.

Ms. MCCOLLUM. First off, it is good to know that you are starting to monitor the tapering down of the number of journals that you are printing. They are great to take on the airplane and to read while I am in the Cloak Room, where I don't have Internet access, so it is nice to be able to have them, but we don't need a gazillion copies of them. And that is not how we are going to store things if we want to go back and look at them in the future. Just as you can read a newspaper online and miss things, going through the Record two different ways, you can catch different things.

EMPLOYEE RECRUITMENT AND RETENTION

But I am going to switch gears on you here. The Washington Post had an editorial yesterday, perhaps you saw it; maybe you were busy trying to figure out if the pig that was loose was swine flu or something else. So let me highlight what it talked about. It said that, in 4 years, there are 600,000 Federal jobs, close to one-third of the government, that will need to be filled. And currently, one-quarter of the Federal Government is under the age of 40, compared to one-half of the private sector. So to put it another way, three-quarters of the government workforce is over the age of 40. And you know, loss of institutional memory, loss of expertise, things like that can all be a result. Can you tell me what is going on in your area and the Government Printing Office? And if you are concerned about this, what you are doing for recruitment, and what you are doing to bring on the next generation of people who will serve the public in a very trusted way—that is keeping the records?

Mr. TAPELLA. Thank you for the question.

It is actually an issue that is of concern to me. At present, we are roughly, if we take our entire workforce, which is just under 2,400 employees, we have roughly, I am using slightly different numbers than age 40, but we have roughly a quarter of our employees are age-eligible for retirement, and that is really what I am concerned about are those that could walk out tomorrow as opposed to somebody between the ages of say 40 and 55 or 50, depending on which formula you use.

And I am particularly concerned because, in our back-office functions, for example finance, more than one-third of our employees are age-eligible to retire. And that is part of the reason why one of my priorities, a top priority, is funding our back-office Oracle project, because it is our general ledger, fixed assets, accounts re-

ceivable, accounts payable, project accounting, work-in-process billing, everything that allows us to function on a daily basis. And that is why that is one of my priorities.

Moving into our plant and the facility there, we are looking at the transformation of GPO from running those large console Web presses, which are the same things that newspapers are running, to digital equipment that will allow us, as we have folks retire, not necessarily need to replace them and instead take that head count and use it in other areas of the GPO. And one of the areas, in fact, in Library Services and Content Management, nearly half of our employees are age-eligible to retire, and those are the folks that work for the Superintendent of Documents operation.

We are out recruiting. We have spent time. We have started what is called a Leadership Development Program, and it is a 2–year rotational program. We are bringing in the best and brightest, not necessarily young people, but from a mix outside the government, inside the government and inside GPO, to make certain that we have some folks that are prepared to step into leadership roles.

We have been doing college recruiting. This past year, I have visited I think seven or eight college campuses to work in the process of recruiting candidates to come to work for the government. We have also stepped up, and one of the major changes I made as Public Printer is I created a new office, and it is the Office of the Chief Management Officer. So I have three people that report to me, the chief operating officer, who handles all of our revenue units, so it is the production and the sales that we do; I have a chief of staff, who handles all of the administrative and executive offices of GPO; and I created a chief management officer, who owns human capital, everything dealing with employees. And we have done a concerted effort to make certain that we are working in that area.

Ms. MCCOLLUM. Well, you kind of answered my question, so you gave me the one quarter over all. What if you put in age, I don't want to make up an age, obviously you can go down, you can go down another level, where are you overall?

Mr. TAPELLA. I am sorry, I would have to get you that information because I don't have that at the top of my head. I have been focusing primarily on those that are age-eligible to retire.

Ms. MCCOLLUM. Because you have to put that fire out first.

Mr. TAPELLA. Because I have to put that fire out first, absolutely.

Ms. MCCOLLUM. What I hear on your statistics, you are actually more mature than the average of what currently is in the Washington Post, which is one-third of the government.

Mr. TAPELLA. Yes, and I think that is GPO historically has been a very good place to work.

Ms. MCCOLLUM. Thank you.

I think, Madam Chair, workforce issues and retention is something that this committee, maybe later on, should take a look at.

Ms. WASSERMAN SCHULTZ. My understanding is that article, correct me if I am wrong, was about government-wide, it is definitely a problem.

Ms. MCCOLLUM. We are the institutional memory of the government for our branch. So it is important that we stay intact.

Ms. WASSERMAN SCHULTZ. Thank you for raising it.

Mr. LaTourette. I am sorry, no, forgive me, Mr. Cole. He was here first.

Mr. COLE. We have this problem frequently.

STATUTORY PRINTING REQUIREMENTS

First of all, thank you for the great job you do. The quality of the product we get in our office is very high. I am an old historian, so I love what you do. The records you create across time are really valuable, not just for the body today but for other people down the road.

How much of the printing that you do is required printing that we have statutorily laid on you?

Mr. TAPELLA. Well, any printing that we do for Congress, we do because Congress has requested it. When we look at the statutes, Title 44 lists out some very specific things that GPO does print on behalf of Congress.

Beyond that, I would have to go and figure out——

Mr. COLE. Is it a very substantial percentage? I am just curious about how much we do do that. And I guess a follow-up question, which may be easier, do you think we ask for too much? Are there things we should be reviewing and say, well, do we really still need that any more?

COST OF PRINTING

Mr. TAPELLA. To be honest, sir, I don't know how to answer that question.

You know, we are printing just shy of $100 million worth of product for you. One of the things that is interesting is, if you look at the congressional printing and binding costs from 10 years ago, even 20 years ago, it has been relatively flat. And that is because we have been introducing new technologies to try to get rid of some of the costs of meeting your needs. And we are sort of, our entire industry is at a crossroads right now. And the question is, what still should remain in print, and what should be in electronic retrieval systems?

And one of the things that is interesting, and a lot of the folks don't understand, when it comes to printing, those extra copies are the least expensive copies. It is that first-copy cost. So producing that very first copy, if you only printed one, would be X amount of dollars. As soon as you start producing multiple copies, the cost per unit drops significantly.

One of the reasons a top priority is the composition replacement engine or composition replacement system for the work that we do for Congress is to try to drive out some of those costs. We have a concept of operations, and we are moving forward on that process so that what we are trying to do is reduce that first copy cost.

As to what should remain in print or what shouldn't, I leave that to our number one customer for the House of Representatives, the Clerk of the House. And so Ms. Miller puts in the requests, and we produce the documents, as do, obviously, committees. I would leave it to you folks to make a decision on what should remain in print or what shouldn't.

Mr. COLE. Just to that point, just to get it into the record, I know you do 820 copies of the House and Senate Journal. The people in

my office love those things. They really don't want that to go electronically. They tab them, and they do all sorts of things with them and keep them, and they don't disappear into binders, at least in our office, over time, so, again, thanks for what you do. It is a great work product.

Thank you, Madam Chair.

Ms. WASSERMAN SCHULTZ. You are welcome.

Mr. LaTourette.

Mr. LATOURETTE. I am the only one left.

And just a question of clarification, Mr. Cole was here before I was, but we were all here when the gavel dropped. And so I just need to know, because Mr. Dicks does this to me all the time with Mr. Cole. Is it like a State of the Union thing where I get here at 4 o'clock in the afternoon for a 9 o'clock speech?

Ms. WASSERMAN SCHULTZ. It is order of arrival when you come in the room.

Mr. LATOURETTE. Call me.

Ms. WASSERMAN SCHULTZ. That is how I have always done it.

Mr. LATOURETTE. I will follow any rule. I just want to know what the rule is.

Ms. WASSERMAN SCHULTZ. Even though we have accommodation of Members as the meeting progresses, whoever is left here, still it is order of arrival.

Mr. LATOURETTE. Thank you for being here.

And just to Mr. Aderholt's question about the volume business, I have often thought we should have a cap-and-trade system for Members in terms of minutes on the floor. You get like 600 minutes of time, and if you are from Texas you can trade those, things of that nature.

ESTIMATING PASSPORT PRODUCTION

I just wanted to know, the money that you make from passports, do you engage in a dialogue with the State Department? I know you said 24 million and then 17, and they dropped it to 10. Is there a discussion, or are you just a receiver of an order that says, no, we don't need 7; we need 10?

Mr. TAPELLA. We are in discussion with them fairly regularly. In fact, we have working groups with the State Department. They are obviously a very large and very important customer.

Over the last year, there have been a number of changes in the management within Consular Services that are responsible for passports. Just within the past 12 months, there have been two assistant secretaries of State; there have been three deputy assistant secretaries of State; there have been at least two managing directors of passport operations; and two just below that. So, yes, we try to work with them. They try to forecast.

Now what is interesting when it relates to the passport, I don't think anyone was out there predicting the economic conditions that we are today facing and what occurred at the end of the year. And you know, if people don't have enough money to pay their mortgages, they are probably not getting a passport to take that luxury trip to Europe or the Caribbean.

OTHER TRAVEL DOCUMENTS

Mr. LATOURETTE. Here is why I asked the question. You said only 24 million before and only 10 this year. This is not your problem. This is the State Department's problem. We have the second part of the Western Hemisphere rule traveling the ships taking them to places this year in June. They were wholly unprepared for phase one, which just dealt with air and sea travel. Now they are going to do land crossings to Canada and Mexico. And my question is, did you chat with them about, hey guys, maybe you missed? Because we have people, regardless of whether they have enough money to go; I will tell you the blue haired ladies in my district can get on a Greyhound bus and go gamble in Niagara Falls. And they are going to be upset if we have the same mess with passports that we had a summer or so ago.

Mr. TAPELLA. What I can say, we are responsible for producing the passport for the State Department, not the pass card. However, we do produce the NEXUS and Sentry card for Custom and Border Patrol. So, as a little pitch, I would recommend to those ladies in your district to get the NEXUS card, which I believe will be allowed, and that will be produced just down the Street on North Capitol Street, and that allows you the access, the travel to Canada and Mexico. NEXUS for the north; Sentry for the south. And we do produce these.

Mr. LATOURETTE. Do you make money on them?

NEW BUSINESS DEVELOPMENT

Mr. TAPELLA. We do. And in fact, I would like to see us producing more. And that would also, one of the things we are working on in terms of our bottom line, we are spending a lot of time in new business development. One of the areas that we are focusing on is something called secure and intelligent documents. And those are primarily secure Federal credentials. It is a newer business. We have been producing the passport since 1926. We are in our first year of producing the NEXUS and Sentry cards. This year, for the first time, we are producing a Medicare card, and this is for Puerto Rico.

We are working on HSPD–12 ID cards. We produced the credentials for all the law enforcement officials for the Presidential Inaugural. That is an area where I would like to see GPO. I believe that Federal credentials belong in a Federally-owned, Federally-operated production environment and not in the private sector. And I think it is an inherently governmental activity. And it is something that we have geared up for.

We have a secure production facility in Stennis, Mississippi, where we are producing passports. We have secure facilities here in Washington, D.C., where we are doing both the cards and passports. We have the capabilities. We have the trained workforce. And it is an area that I would like to see us move steadily ahead on.

Mr. LATOURETTE. Thank you for that answer.

You just brought to mind, when we had a hearing on the Inauguration, I think it was the Secret Service testified that you printed the tickets to the Inauguration in July of last year.

Mr. TAPELLA. Yes, we took care of the printing of the tickets, on the calendar that was given to us by our customer, the Joint Congressional Committee on Inaugural Ceremonies.

Mr. LATOURETTE. I am not saying you did it on your own. I want to know when you did it. In July?

Mr. TAPELLA. That is the right answer, July.

Mr. LATOURETTE. Thanks so much.

ADDITIONAL ASSIGNMENT FROM THE CHAIR

Ms. WASSERMAN SCHULTZ. Do any other members have any additional questions?

Before you go, I wanted to just assign some homework. We do that here in the legislative branch. Last year, after your hearing, we asked you to submit a report that detailed policies and programs in place that you had to ensure that discrimination does not occur within your agency. And I would like to get an update on where you are with a report by next Friday May 1. It should include an explanation of how many active EEO cases there are now in GPO compared to last year; what these cases relate to; the status of each case; how the number of cases compares to other agencies; and what programs and policies GPO has in place to make sure that discrimination does not occur within the agency. And the report should clearly note wherever there has been a significant change since the last report in March of 2008.

Thank you very much for your service and your time. We appreciate it.

And again, thank you very much for the tour, especially the artisan that we got to see. That was extremely cool.

With that, we'll close out the GPO portion of this hearing.

HOMEWORK

It's important that Legislative Branch agencies do everything they can to make sure employment discrimination does not take place within their organizations. Last year, I asked GPO to submit a report detailing the policies and programs it had in place to make sure discrimination doesn't occur within the agency.

I would like an update on that report by **next Thursday, May 7th**, to include an explanation of how many active EEO cases there are now at GPO as compared to last year, what these cases relate to, the status of each case, how the number of cases compares to other agencies, and what programs and policies GPO has in place to make sure discrimination does not occur within the agency. The report should clearly note wherever there has been a significant change since the last report in March 2008.

4/30/2009

U.S. Government Printing Office

EEO Complaints: Summary Analysis

The Equal Employment Opportunity Commission (EEOC) is the Federal agency responsible for enforcing the Nation's laws prohibiting discrimination. In accordance with the EEOC's regulations at 29 CFR §1614.103(b)(6), the U.S. Government Printing Office (GPO) is covered by these regulations which dictate the discrimination complaints process.

GPO is the only legislative branch agency that is covered by the regulations issued by the EEOC to the Federal Government establishing the EEO complaint process for individual and class complaints of discrimination and retaliation. This process provides employees and applicants for employment the right to pursue their complaints with an Administrative Judge at the EEOC, which is an independent agency. The GPO continues to make strides to prevent discrimination and to ensure that all employees are aware of the anti-discrimination laws and avenues available to pursue alleged violations of these laws.

Last year at this time, there were 16 active EEO complaints in the FY 2008 inventory, with 33 overall by the close of the fiscal year. In comparison, this year there are 40 active complaints in the inventory from those complaints filed in FY 2009. Of the FY 2009 complaints, the following is noted:

- Claims of harassment/hostile work environment are the most prevalent claim, following by claims of non-selection.

- The most frequently cited basis of discrimination in FY 2009 active complaints is race (35 – 32 Black and 3 Other).

- 21 of the complaints were filed by a group of employees in the same work unit alleging a hostile work environment. The claim includes allegations regarding performance standards and evaluations, position descriptions, staffing shortages, machinery, leave and pay setting. Most of these issues were resolved informally by management. Nevertheless, the employees opted to file formal complaints of discrimination.

- 12 of these complaints involved 4 employment decisions including rate of pay (4 complaints), non-selection for a position(4 complaints), performance rating and monetary award (2 complaints), and cancellation of a vacancy (2 complaints).

- Several individuals in this number filed other EEO complaints during this same fiscal year or previous fiscal year. For example 7 individuals filed 2 complaints each during FY 2009 – 3 of whom also filed complaints in FY 2008, and 12 other individuals filed previous EEO complaints in FY 2008 or before. When compared to the Bureau of Engraving and Printing, an Executive agency of similar size and mission, they had 28 formal complaints filed in FY 2009, with only 1 repeat filer.

The increase in formal complaint activity may be attributed to employees heightened awareness of the EEO process. Over the past year or so GPO has publicized a lot of information about the process and procedures for filing a complaint.

While GPO has seen an increase in the number of formal complaints filed, there have not been any findings of discrimination issued by the agency or the EEOC. Additionally, there has not been any increase in the number of settlement agreements entered into which could infer some merit to the claims raised in these complaints.

ACTIVE DISCRIMINATION COMPLAINTS
FROM FY 2008 and FY 2009
AS OF March 30, 2009

Case No.	Date Filed	Basis(es)	Issue(s)	Status/Disposition
FY 2008 ACTIVE FORMAL COMPLAINTS				
08-05	01/16/08	Race/Color (Black), sex (m), age, reprisal, religion	Proposed disciplinary action & Reassignment	Pending EEOC Hearing.
08-06	01/17/08	Religion and sex (female)	Harassment	Pending EEOC Hearing.
08-08	01/30/08	Disability (P) and Reprisal	Position previously occupied upgraded/filled.	EEOC cancelled Hearing Request. Remand for Final Agency Decision.
08-09	02/05/08	Disability (P), race (Black, and age	Assignment of Duties	EEOC Remand. Investigative stage.
08-10	02/07/08	Race/Color (Black) and sex (female)	Assignment to an unestablished position	Pending EEOC Hearing.
08-11	02/07/08	Sex (female)	Nonselection	Pending EEOC Hearing.
08-12	02/11/08	Race/Color (Black) and age	Nonselection	Pending EEOC Hearing.
08-13	02/14/08	Race/Color (Black)	Working conditions	Pending EEOC Hearing.
08-14	02/15/08	Race/Color (Black) and age	Nonselection	Pending EEOC Hearing.
08-15	02/15/08	Race (African American) and sex (male)	Reprimand and harassment (non sexual)	Investigative stage.
08-16	02/25/08	Race (Black)	Deemed ineligible for a position.	Pending EEOC Hearing.
08-17	03/06/08	Race (Black) & Color (self identified Tan)	Nonselection	Pending EEOC Hearing.
08-18	03/10/08	Reprisal	Reprimand and Harassment (nonsexual)	Pending EEOC Hearing.
08-19	03/14/08	Race (Black) and Age	Assignment of Duties	Investigative stage.
08-23	05/05/08	Race/Color (Black) and Sex (female)	Disparate Treatment	Pending Election (EEOC Hearing or Final Agency Decision).
08-25	05/30/08	Race (Black), Age and Reprisal	Nonselection	Investigative stage.
08-26	06/02/08	Sex (female)	Nonselection	Investigative stage.
08-28	07/02/08	Race (African American) and Age	Nonselection	Pending EEOC Hearing.
08-29	07/03/08	Sex (female) and Reprisal	Harassment (nonsexual), nonselection & equal pay	Investigative stage.
08-30	07/08/08	Race (Black) and sex (female)	Performance Evaluation and Monetary Award	Investigative stage.
08-31	07/08/08	Race/Color (White), sex (male) and Age	Nonselection	Pending EEOC Hearing.
08-32	07/09/08	Race (Black) and Age	Monetary Award	Investigative stage.
08-33	07/23/08	Disability and Age	Harassment (nonsexual), Proposed Suspension, etc.	Investigative stage.

ACTIVE DISCRIMINATION COMPLAINTS
FROM FY 2008 and FY 2009
AS OF March 30, 2009

Case No.	Date Filed	Basis(es)	Issue(s)	Status/Disposition
08-34	07/29/08	Sex (female)	Nonselection	Pending Election (EEOC Hearing or Final Agency Decision).
08-35	08/01/08	Age	Harassment (nonsexual)	Pending Election (EEOC Hearing or Final Agency Decision).
08-36	08/01/08	Age	Nonselection	Pending Election (EEOC Hearing or Final Agency Decision).
08-37	08/07/08	Race/Color (White), Sex (male) and Reprisal	Nonselection	Pending EEOC Hearing.
08-38	08/21/08	Age	Nonselection	Investigative stage.
08-39	08/21/08	Race (Black), Sex (female) and Reprisal	Harassment (nonsexual)	Investigative stage.
08-40	08/25/08	Race/Clr (Black), Nat'l Origin, Sex & Reprisal	Overtime and Assignment of Duties	Investigative stage.
08-41	09/04/08	Race (Caucasian) and sex (female)	Nonselection	Pending EEOC Hearing.
08-42	09/09/08	Age	Training	Investigative stage.
08-45	09/24/08	Race/Clr, Nat'l Origin, Sex, Age and Reprisal	Duty Assignments & Change in position title	Investigative stage.
FY 2009 ACTIVE FORMAL COMPLAINTS				
09-04	10/31/08	Race (Black)	Hostile Work Environment	Under Review
09-05	11/05/08	Race (Black)	Hostile Work Environment	Under Review
09-06	11/06/08	Race (African American) and color (Black)	Hostile Work Environment	Under Review
09-07	11/06/08	Race (Black)	Hostile Work Environment	Under Review
09-08	11/07/08	Race (Black)	Hostile Work Environment	Under Review
09-09	11/07/08	Race (African American)	Hostile Work Environment	Under Review
09-10	11/07/08	Race (Black)	Hostile Work Environment	Under Review
09-11	11/07/08	Race (Black)	Hostile Work Environment	Under Review
09-12	11/07/08	Race (Black)	Hostile Work Environment	Under Review
09-13	11/07/08	Race (African American)	Hostile Work Environment	Under Review
09-14	11/07/08	Race (African American)	Hostile Work Environment	Under Review
09-15	11/07/08	Race (Black)	Hostile Work Environment	Under Review
09-16	11/10/08	Sex (female) and Age	Harassment (nonsexual)	Investigative stage.

ACTIVE DISCRIMINATION COMPLAINTS
FROM FY 2008 and FY 2009
AS OF March 30, 2009

Case No.	Date Filed	Basis(es)	Issue(s)	Status/Disposition
09-17	11/10/08	Race (Black)	Hostile Work Environment	Under Review
09-18	11/10/08	Race (African American)	Hostile Work Environment	Under Review
09-19	11/10/08	Race (African American)	Hostile Work Environment	Under Review
09-20	11/10/08	Race/Color (Native American)	Hostile Work Environment	Under Review
09-21	11/10/08	Race (Black)	Hostile Work Environment	Under Review
09-22	11/10/08	Race (African American)	Hostile Work Environment	Under Review
09-23	11/10/08	Race (African American)	Hostile Work Environment	Under Review
09-24	11/14/08	Race/Color, Sex, Age, Religion, & Nat'l Origin	PIP and Proposed Removal	Under Review
09-25	11/18/08	Race (Black)	Hostile Work Environment	Under Review
09-26	11/18/08	Race (Black)	Hostile Work Environment	Under Review
09-27	11/20/08	Race (Black)	Nonselection	Investigative stage.
09-28	11/25/08	Race (Black), Age and Reprisal	Nonselection	Investigative stage.
09-29	11/25/08	Race (Asian)	Nonselection	Investigative stage.
09-30	11/26/08	Reprisal	Denied Overtime, Duties and Harassment	Investigative stage
09-31	1/204/08	Race/Color (Black) and Age	Nonselection	Investigative stage
09-32	12/04/08	Race (Black)	Pay	Under review
09-33	12/04/08	Race (African American)	Pay	Under review
09-36	12/05/08	Disability	Harassment (leave and working conditions)	Under review
09-37	12/08/08	Race (Black)	Pay	Under review
09-38	12/08/08	Disability and Race (Black)	Harassment (nonsexual)	Under review
09-39	01/07/09	Race (Black)	Denial of Overtime	Investigative stage
09-40	01/29/09	Race (Black)	Pay	Under review
09-41	01/30/09	Race/Color (Black), Sex (male, and Reprisal	Suspension	Investigative stage

ACTIVE DISCRIMINATION COMPLAINTS
FROM FY 2008 and FY 2009
AS OF March 30, 2009

Case No.	Date Filed	Basis(es)	Issue(s)	Status/Disposition
09-44	02/19/09	Age	Nonselection	Investigative stage
09-46	02/19/09	Race/National Origin	Termination	Investigative stage
09-47	03/02/09	Race/Color (Black), Sex, Age and Reprisal	T&A Issues	Investigative stage
09-48	03/03/09	Disability, Race (Black) and Age	Hostile Work Environment	Under review

U.S. Government Printing Office
Equal Employment Opportunity
Policies and Program Initiatives

Since the last report in March 2008, the U.S. Government Printing Office (GPO) has continued efforts to ensure that employment discrimination did not take place within the agency, and that all employees were aware of their right to work in a discriminatory and harassment free work environment. The following are some examples:

- The EEO Director conducted semi-annual reviews with most Business Units. The purpose of these reviews was to discuss EEO related issues or concerns specific to each business unit, share information on the EEO Program, and to provide workforce demographics to include the identification of any imbalances as it relates to women and minorities. Additionally, complaint data was shared which identified potential patterns, trends, or practices to provide managers with an opportunity to address possible areas of concern, sometimes before the issues were raised in the formal complaints process.

- The GPO issued a new Directive containing the Procedures for Processing Complaints of Employment Discrimination in December of 2008 (copy attached). The new directive provides the GPO's 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 GPO employees of the agency's policy on the prohibition against discriminatory harassment in the workplace was issued in December 2008 (copy attached). In addition to stating the GPO's commitment to being a model employer and that harassment is unacceptable conduct that will not be tolerated at any level, the policy identified responsibilities for preventing and remedying discriminatory harassment.

- A Diversity Statement has been included in GPO's Strategic Vision (Goal 6, at p. 9 of the attached publication, GPO FY 2008 Strategic Results). An EEO specific goal "Continue to establish diversity at GPO and to create an environment in which all its employees can contribute to achieving the mission of the Agency" has been incorporated into the GPO Strategic Results document and is monitored regularly through GPO's Balanced Scorecard.

- The Public Printer issued a policy statement on Equal Employment Opportunity which emphasized his personal commitment to EEO and diversity, and his zero tolerance approach to discrimination (copy attached).

- EEO Counselors were provided additional training to enhance their knowledge on a variety of relevant subjects so that they could perform counseling functions more

effectively and successfully. Some of the topics included 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.

- The GPO developed and distributed additional informational materials on various aspects of the EEO Program for employees and managers. Topics have included 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 entrants into the GPO continue to receive a briefing on various policies related to EEO and are provided a copy of the policies related to Procedures for Processing EEO Discrimination Complaints, Prevention of Sexual Harassment, GPO's Policy Prohibiting Discriminatory Harassment and Procedures for Processing Request for Reasonable Accommodation.

- The EEO Office has initiated focus group meetings with employees in order to identify ways to improve the Program, and obtain employees perceptions as it relates to barriers to equal opportunity in employment. Employees are selected randomly, and all employees will be given the opportunity to participate in a session.

- EEO staff continues to resolve workplace disputes that do not fall under the purview of EEO or that do not enter the informal complaint process to resolve issues or concerns before they escalate into a formal complaint.

- To enhance employee retention and job satisfaction, the GPO Employee Mentoring Program (GEM) was implemented as a six-month pilot program. During the pilot period, 20 participants were selected. This program was designed as a result of employee feedback wherein employees expressed concern about limited developmental opportunities.

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OFFICIAL GPO DIRECTIVE

GPO Directive 650.18 — SUBJECT CLASSIFICATION

12/8/08 — 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.

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:

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.

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

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.

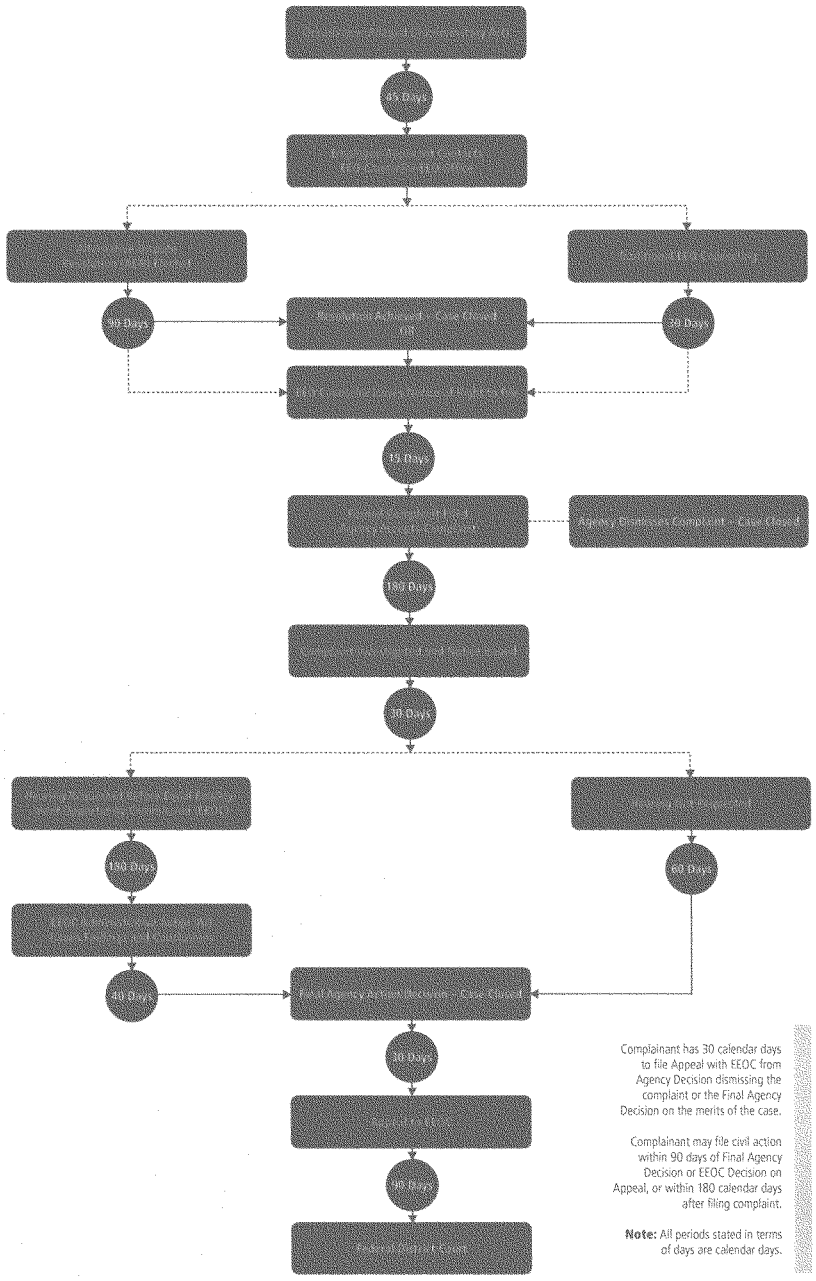
12. **Cooperation**. All employees shall cooperate fully with EEO Counselors, EEO personnel, and contractors in the processing and resolution of pre-complaint matters and complaints within GPO.

13. **Inquiries**. Inquiries may be directed to the EEO Office on 202-512-2014.

Paul Erickson

PAUL ERICKSON
Deputy Public Printer

Overview of Individual EEO Complaint Process



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OFFICIAL GPO DIRECTIVE

GPO Directive 650.19
SUBJECT CLASSIFICATION

12/8/08
ISSUE DATE

Government Printing Office Policy Prohibiting Discriminatory Harassment
TITLE/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.

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.

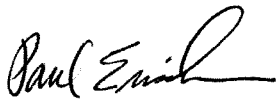
All persons involved in the inquiry will be notified that the unauthorized disclosure of confidential information could result in disciplinary action. Substantiated harassment complaints will result in corrective action, which can range from reprimand to removal. Retaliating or discriminating against 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

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

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OFFICIAL GPO DIRECTIVE

GPO Directive 650.17
SUBJECT CLASSIFICATION

05/02/08
ISSUE DATE

Public Printer's Equal Employment Opportunity 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 previously issued policy letters.

3. **Authority.** 44 U.S.C. 301.

4. **Action.** All employees are strongly encouraged to read the attached letter from the Public Printer, which sets out GPO's EEO policy.

5. **Sunset Review.** One year from date of issuance.

6. **Originating Office.** Office of the Public Printer.

7. **Inquiries.** Should you have any questions regarding this policy, please contact GPO's office of Equal Employment Opportunity on 202-512-2014.

WILLIAM H. TURRI
Deputy Public Printer

650.17, 05/02/08

U.S. GOVERNMENT
PRINTING OFFICE
KEEPING AMERICA INFORMED

Robert C. Tapella
Public Printer

April 8, 2008

To All GPO Employees:

As Public Printer I want to emphasize my personal commitment to equal opportunity and diversity. It is imperative that we treat fairly all employees, applicants for employment, and customers of the U.S. Government Printing Office (GPO). Employment actions must be based upon merit principles and made without regard to an individual's race, color, religion, national origin, sex, age, mental/physical disability or sexual orientation.

Since becoming Public Printer at GPO, I have made it clear that I will not tolerate any form of discrimination in the workplace. I firmly believe that every GPO employee is entitled to work in an environment that is free of discrimination and harassment. I am committed to ensuring that every individual in GPO enjoys that right without regard to non-merit factors. This environment is necessary for accomplishing our goal of attracting, hiring, developing and retaining a quality diverse workforce that achieves our mission and meets the expectations of our citizens and the visitors we serve.

It is the policy of GPO to provide equal employment opportunity for all persons in its workforce, as well as applicants for employment and to prohibit discrimination in all aspects of its personnel policies, program practices and operations. Every GPO manager and supervisor is responsible for ensuring that we achieve that goal. I expect a "zero tolerance" approach to this important area. I take any confirmed violations of this policy very seriously. Employees who violate the law will be held accountable for their conduct. I encourage every level of management to maintain a high level of awareness regarding these matters and to foster a steadfast commitment to equal opportunity for all persons. I expect managers and supervisors to respond to complaints swiftly and appropriately, as they will be held accountable for taking steps to eliminate such behavior and to ensure that the work environment is one where employees are treated fairly, respectfully and with dignity.

As Public Printer, I will vigorously pursue these goals and I encourage all employees to fully support our commitment in principle and in action to ensure that our equal employment opportunity programs are successful. Each of you plays a part in creating and sustaining a workplace that will provide all employees with a working environment free from discrimination where individual differences are respected and valued.

Sincerely,

732 North Capitol Street, NW Washington, DC 20401 202-512-1000 rtapella@gpo.gov

TUESDAY, APRIL 28, 2009.

GOVERNMENT ACCOUNTABILITY OFFICE (GAO)

WITNESSES

GENE L. DODARO, ACTING COMPTROLLER GENERAL OF THE UNITED STATES

SALLYANNE HARPER, CHIEF ADMINISTRATIVE OFFICER/CHIEF FINANCIAL OFFICER

GEORGE STRADER, CONTROLLER

OPENING REMARKS—CHAIR WASSERMAN SCHULTZ

Ms. WASSERMAN SCHULTZ. GAO is up next.

We welcome you to the committee, Mr. Dodaro. It is always a pleasure to have you here.

We are going to hear from you in a moment. But I know that you have, in your fiscal year 2010 request, essentially asked for additional FTEs, not surprising given the increase in your workload. GAO is asking for $567 million, a $36 million, or 6.9 percent, increase over the current year. I am not sure that we will be able to do all of that, but you have put forward one of the more reasonable, manageable, doable requests of the agencies, especially in light of your increased workload.

And let me just say that, if you could please take back to the GAO employees how much Congress appreciates the work that they do, and really the work you do is the gold standard. It is something that we all rely upon. I said the same thing to Mr. Elmendorf. We can count on your expertise. This committee in particular relies on you on a regular basis, both when we were overseeing the construction of the CVC as well as a number of other different things that we are trying to make sure that we can hold accountable.

So please take our thanks back to the employees of GAO.

I am hopeful that this year we are going to be able to be responsive again to your needs to increase the number of FTEs that you have at the agency so that you can handle the workload. I know that Members are going to want to ask you about the American Recovery and Reinvestment Act. We have just received the first of the bimonthly reports that are legislatively required. And even though we are just beginning, I know we are going to want to hear from you about that.

And with that, Mr. Aderholt.

OPENING REMARKS—MR. ADERHOLT

Mr. ADERHOLT. Thank you, Madam Chair.

I would also like to join you in welcoming Mr. Dodaro for the committee hearing today and to hear their request.

GAO is an invaluable asset to the Congress and to the Nation, and in particular, I want to thank you and your employees for your dedication and support of Congress.

And this committee looks forward to hearing your testimony today. Thank you.

Ms. WASSERMAN SCHULTZ. Thank you.

Do any other members have any other opening remarks? Okay. We will enter your statement into the record and if you can proceed with the 5-minute summary.

OPENING STATEMENT—MR. DODARO

Mr. DODARO. Thank you very much, Madam Chair.

I very much appreciate being here Congressman Aderholt, Congresswoman McCollum, and Congressman Cole. I very much appreciate your kind words.

I want to start out, first of all, thanking you and the committee for your support for us for our fiscal year 2009 budget request.

And I will convey to the GAO people your appreciation and comments on their hard work. I know they will value that very much.

Our request for 2010, as you mentioned, we think is a well justified and prudent request. Since we were here last year talking about our fiscal year 2009 budget, we have been given additional responsibilities by Congress.

First, as you mentioned, the American Recovery and Reinvestment Act assigned us a range of responsibilities, which include the bimonthly reviews of selected States and localities. And we selected 16 States and the District of Columbia for us to do a longitudinal study over the next 2 years as they receive the Recovery Act moneys. I will be happy to talk about the results of that first report as well as the range of other responsibilities that we have been given under the Recovery Act.

We have also been assigned a number of responsibilities to help in the financial institutions and markets area. The Economic Stabilization Act asked us to report every 60 days on the Treasury's implementation of the Troubled Asset Relief Program, and we have issued at least three reports in that area.

We have also been assigned a responsibility to be the auditors of the Federal Housing Finance Administration, which oversees Freddie Mac and Fannie Mae, and is now a conservator of those agencies. And that is in addition to the expanded responsibilities we now have auditing the Bank Insurance Fund, which, given the number of bank failures over the past year and a half, has become a much more complex audit.

GAO WORK COVERS A WIDE RANGE OF ISSUES

Now, in addition to these new responsibilities, we continue to receive hundreds of requests from Congress to deal with a wide range of issues. In the future we will be focusing in on the operations of the 2010 Census; a number of health care issues, including health care to women in the military, as well as preparing and dealing with public health emergencies. We also have a wide range of work dealing with U.S. efforts in Iraq, Afghanistan, and Pakistan. We are going to be spending a lot of time on efforts to help Congress

modernize the financial regulatory system to help mitigate any reoccurrence of the type and magnitude of the challenges that we are facing right now.

We also have been dealing with cybersecurity issues that are getting a lot more attention. We have been working on that for a while. Contract management reform has been another area of focus. So we have a full range of activities across the breadth of the Federal Government's activities, and we look forward to continuing to support the Congress in this regard.

Last year we testified before Congressional committees over 300 times, which is the second highest total in the last 25 years for GAO. And I would expect us to similarly have our views sought in this Congress as well.

So, with that, I would be happy to answer any questions. I know this committee will give serious consideration to our request. I appreciate the time and effort and careful review that goes into it. So thank you all very much.

[Mr. Dodaro's prepared statement follows:]

United States Government Accountability Office

GAO

Testimony

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

For Release on Delivery
Expected at 1:00 p.m. EDT
Tuesday, April 28, 2009

FISCAL YEAR 2010 BUDGET REQUEST

U.S. Government Accountability Office

Statement of Gene L. Dodaro
Acting Comptroller General of the United States

GAO-09-587T

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 2010. At the outset, I want to thank the subcommittee for its support of GAO. We appreciate your efforts to appropriate a fiscal year 2009 amount that provides GAO with the resources that will better allow us to timely assist the Congress in addressing the many difficult challenges facing the nation. I also want to acknowledge the professionalism, talents, and dedication of the GAO workforce in supporting the Congress and improving government for the American people.

In fiscal year 2008 GAO delivered advice and analyses to the Congress in response to requests from all of the standing committees of the House and the Senate and over 80 percent of their subcommittees. The hard work of our staff yielded significant results across the government, including expert testimony at over 300 congressional hearings, hundreds of improvements in government operations, and billions in financial benefits.

I submit for your consideration a request for a fiscal year 2010 appropriation of $567.5 million to support 3,250 full-time-equivalent (FTE) staff. This request represents an increase of $36.5 million, or 6.9 percent, over our fiscal year 2009 funding level, which supports a 3.5 percent increase over our 2009 FTE level. Importantly, almost 70 percent of our requested increase is needed for mandatory pay and uncontrollable cost increases. While we will strive to make progress in responding to new congressional requests sooner with our fiscal year 2009 funding level, our fiscal year 2010 request would enable GAO to make more progress in addressing the issues of greatest interest to the Congress and the American public during these challenging times, which is my highest priority. I am also requesting authority to use $15.2 million in offsetting collections, as detailed in our budget submission.

GAO Delivers Results on an Increasing Range of Federal Programs

The Congress continues to rely on GAO's nonpartisan, objective analysis and advice and has placed new responsibilities and opportunities with GAO to play key roles in addressing a number of emerging issues. We are addressing challenges in the financial markets and broader economy through our work overseeing the Troubled Asset Relief Program (TARP), created in 2008. We continue to monitor and report, every 60 days, on the status of the implementation of TARP, and plan to conduct an annual financial audit of the $700 billion authorized for the program.

Additionally, GAO is carrying out a range of responsibilities overseeing spending related to the 2009 American Recovery and Reinvestment Act (ARRA)—including bimonthly reviews of how selected states and localities across the country are using the billions of dollars of funds provided—and providing targeted studies in several areas such as small business lending, education, and expanded trade adjustment assistance.

Over the next several years, our work will encompass critical areas, including

- reviewing progress in implementing key activities for the 2010 Census;
- helping to support the Congress's consideration of changes in the regulatory structure for financial markets and institutions, including the establishment and implementation of controls to help avoid a future financial crisis of the magnitude the nation faces today;
- reviewing the revised governance structure for the housing market and providing targeted analyses to inform decision makers working to restore the functioning of the mortgage market and resolve the ultimate disposition of Fannie Mae and Freddie Mac;
- supporting health care reform efforts and control of health care costs through analysis of expenditures and payment structures in Medicare, Medicaid, the State Children's Health Insurance Program, and other health programs;
- reviewing the impact of drawing down resources in Iraq, providing more resources in Afghanistan, and retooling operations in Pakistan;
- providing balanced and objective assessments of technologies in the context of federal programs and public policy issues, such as green energy, energy efficiency, health information technology, homeland security technologies, climate change, science and math education programs, as well as the technical challenges of developing sophisticated space and defense systems;
- reviewing initiatives to enhance protection of cyber assets;
- assessing contractor management, sourcing strategies, and contracting reforms; and

- helping the Congress tackle new and continuing high-risk areas, such as protecting public health through enhanced oversight over medical products, food safety, and toxic chemicals.

Finally, as part of fulfilling our commitments under the Presidential Transition Act, as amended, GAO is serving as a key resource for the Congress and the Administration on major challenges needing the attention of the 28 largest departments and agencies across government, as well as 13 issues facing our nation that require urgent attention and continuing oversight. In addition to those already mentioned, these include

- preparing for public health emergencies,
- improving the U.S. image abroad,
- protecting the homeland,
- caring for service members, and
- defense spending and readiness.

Our studies receive great interest not only from the Congress but from the American people. For example, while our reports routinely receive media and public interest, in the first half of fiscal year 2009 12 GAO studies were downloaded over 10,000 times each from our external Web site, www.gao.gov. These studies covered an array of important issues, including

- veterans' health care and the challenges of recruiting and retaining inpatient nurses,
- Medicaid outpatient drug reimbursements and comparisons with retail pharmacy acquisition costs,
- private equity and the risk of leveraged buyouts,
- the outdated financial regulatory system and the need for a modernized framework, and
- defense logistics and the need for better analyses and cost data to support performance-based decisions.

In addition to studies in response to congressional requests, GAO issues products that provide agencies with guidance and best practices, or otherwise support greater accountability and oversight in government. In the first half of fiscal year 2009 13 of these products were downloaded over 10,000 times each from our external Web site. The top 5 picks were (1) special publications on the principles of appropriations law; (2) the 2009 High Risk Update; (3) updated guidance on government auditing standards; (4) the GAO cost estimating and assessment guide; and (5) highlights of our May 2007 health care forum focusing on steps needed to meet future challenges.

I am pleased by the recognition GAO receives from ordinary Americans and civil servants alike as a source of reliable, unbiased information about how government operations can be improved.

High Congressional Demand for GAO Services

GAO is an invaluable resource for helping the Congress provide oversight, accountability, and transparency in government. The demand for GAO services continues to remain high as a direct result of the high quality of our work, and is an indication of the Congress's desire for timely and objective analyses and professional advice. In each of fiscal years 2007 and 2008, GAO received over 1,200 requests and mandates. The number of congressional mandates, our highest-priority work, more than doubled from fiscal year 2007 to 2008. In addition, as evidenced above, our studies are covering more and more complex issues across a broad range of federal programs, requiring more in-depth analysis to complete.

This congressional demand for GAO studies also has affected our ability to respond promptly to congressional requests. For instance, in fiscal year 2008, GAO delayed starting work on 21 percent of the requests we had accepted because of staff unavailability. The average time we took to initiate congressionally requested engagements was almost 5 months in the first half of 2009, compared with less than 3 months in fiscal year 2005.

In addition, GAO executives are providing testimony at an increased number of congressional hearings. The 304 hearings at which we testified in fiscal year 2008 was the second highest number for GAO in the last 25 years.

We expect to continue to receive a high volume of requests as the nation faces new challenges such as the recent developments in the financial markets and economy, and the many emerging initiatives of the Congress and the Administration. Moreover, recent changes to House rules requires

each standing committee or subcommittee to hold at least one hearing on issues raised by GAO that indicate that federal programs or operations authorized by the committee are at high risk for fraud, waste, abuse, or mismanagement.

Our January 2009 issuance of the biennial *High-Risk Series: An Update*, which identifies federal areas and programs at risk of fraud, waste, abuse, and mismanagement and those in need of broad-based transformations, identified 30 at-risk federal programs. Issued to coincide with the start of each new Congress, our high risk updates have helped to focus and sustain attention to these programs from executive branch officials who are accountable for performance and from members of the Congress who are responsible for oversight. The report is available on our website at http://www.gao.gov.

GAO's Fiscal Year 2010 Budget Request

With the increased capacity included in our fiscal year 2010 appropriation request, we can continue to assist the Congress with oversight over a broad range of federal programs. As a knowledge-based organization, about 80 percent of GAO's budget funds staff compensation and benefits, with much of the balance of our budget funding mandatory operating expenses, such as security services and other critical infrastructure services necessary to support our ongoing operations. For this reason, the significant majority of our requested funding increase is not discretionary.

Our requested increase for fiscal year 2010 of $36.5 million seeks funds to cover

- mandatory pay increases resulting primarily from annual across-the-board performance-based increases and pay raises required by the GAO Act, including the annualization of prior fiscal year compensation costs;
- uncontrollable inflationary increases imposed by vendors as part of the cost of doing business;
- nonrecurring fiscal year 2009 costs resulting from program improvements, which can offset about one-third of our mandatory and inflationary changes;
- strengthening our staff capacity to provide timely support to the Congress in confronting the broad array of critical challenges facing the nation, including

(1) helping to support the Congress's consideration of changes in the regulatory structure for financial markets and institutions,

(2) providing targeted analyses to inform decision makers working to restore the functioning of the mortgage market,

(3) supporting health care reform efforts and the control of health care costs, and

(4) providing assessments of technologies in the context of federal programs and public policy issues, and

- program changes supporting critical investments to (1) provide employee development and benefits, (2) implement technological improvements, and (3) strengthen our infrastructure.

Fiscal Year 2010 Summary of Requested Changes

(Dollars in thousands)

Budget category	FTEs	Amount	Cumulative percentage of change from FY 2009 to FY 2010
FY 2008 actual	**3,081**	**$498,548**	
FY 2009 revised estimate	**3,141**	**$531,000**	
FY 2010 requested changes			
Mandatory pay		$19,475	3.7%
Inflationary cost increases		5,714	4.7%
Nonrecurring FY 2009 costs		(8,338)	3.2%
Staff capacity	109	16,826	6.3%
Program changes		10,407	8.3%
Increase in offsetting collections		(7,587)	6.9%
Subtotal–requested changes	**109**	**$36,497**	
Appropriation	**3,250**	**$567,497**	**6.9%**

Source: GAO.

Concluding Remarks

I believe that you will find our budget request well justified and targeted to ensure that GAO has the necessary staff and resources to strengthen our capacity to provide timely assistance to the Congress to confront the difficult challenges facing the nation and help improve government for the American people.

With your support of our request, we will continue to reward the confidence you place in us by maintaining a strong return on this investment as we help to improve services to the public, change laws, and improve government operations.

We are grateful for the Congress's continued support of our efforts to help improve government performance, accountability, and transparency. GAO remains committed to providing accurate, objective, nonpartisan, and constructive information to the Congress to help conduct effective oversight and fulfill its constitutional responsibilities.

Madam Chair, this concludes my prepared statement. I would be pleased to respond to any questions that you or other Members of the Subcommittee might have.

Ms.WASSERMAN SCHULTZ. Thank you very much, Mr. Dodaro.

Can you just review with us, since I know a lot of Members, we all need to talk about it in our districts when we are home, your initial findings in the first report on the Recovery Act?

Mr. DODARO. In the Recovery Act, we had three objectives. One was to track the uses of the money and the planned uses by the States and localities. The second area of focus was how they were preparing to assume their accountability requirements; how they were going to monitor and track the money. And then, third, what were their plans to evaluate whether or not the money was being used to achieve the intended purposes of the legislation?

Now, the 16 States and the District of Columbia that we selected were going to receive two-thirds of the Recovery Act money over the time frame of which the money will be allocated. During fiscal year 2009, there is a total of $49 billion that will be allocated to the States and localities. Ninety percent of that is going to be in health care, education, and transportation. And so there were really three programs that were receiving the bulk of the attention as the initial implementation unfolded.

Through the Medicaid program, the 16 States and the District that we looked at had received an allocation of $16.9 billion. As of early April, they had drawn down $7.96 billion of that or about 47 percent of their allocation. Most of that was being used to help meet and maintain eligibility requirements in the Medicaid area and also to meet increased caseloads. Given economic situations, obviously, more people become eligible for services.

The Federal share increased significantly in our sample States. It ranged from a 7.09 percent increase in Iowa to an almost 11.6 percent increase in California. Because the Federal share went up and included retroactive payments back to October 2008, this enabled some of the States to perhaps reduce their share of the allocation. They used it to help offset, in some cases, layoffs and other actions that would have been detrimental to economic recovery.

Now in the transportation area, most of the States were actively planning. They had $15.5 billion allocated to them; about $3.3 billion have been obligated. Now, in this case, obligated means the Department of Transportation at the Federal level and States agreed on projects, but most of the projects were still in the competitive bid process in the April or May time frame. So, aside from Mississippi and Iowa, who actually let some contracts, not a significant amount of Recovery Act funds have been spent yet, but it was in the pipeline. They were moving forward. Most of them were focusing on construction and maintenance activities and to repair roads and bridges.

Now a third major program was the State Stabilization Fund of this program funding, 81.8 percent is supposed to be used for educational purposes, and 18.1 percent can be used for other public services, including education. But before the States can spend that money, which was allocated in early April, they have to submit an application, and it has to be reviewed by the Secretary of Education. Only two of our States had submitted and had their review

approved by the Department of Education, so that is in process as well.

Now, in the accountability front, we found that a number of States were taking their responsibility seriously but were concerned that they had, because of their own fiscal pressures, cut back in a lot of areas, both on the management side and the audit side. They were concerned about their ability to provide adequate oversight over the money.

One of the recommendations that we made to OMB is that they clarify how Recovery Act funds can be used for administrative purposes so the States could strengthen their oversight ability to make sure that the funds were spent adequately.

We also made a recommendation that OMB modify the Single Audit Requirement, which is the fundamental accountability mechanism at the State and local level to audit the funds, to have more reviews done in fiscal year 2009 before most of the money the State and local governments receive is going to be spent in 2010 and 2011 in terms of the spendout rates. And so if the auditors can get in early and assess controls, it can better ensure that the money will be adequately safeguarded. And so we made that recommendation.

And we also made a recommendation to OMB in the last area, which is to evaluate the impact of the funds, and to provide assistance on the definition of jobs preserved and jobs created that all the recipients are supposed to report back. There is still a lot of confusion about what methodologies will be used and accepted by OMB. So we had a series of recommendations in those areas.

We also recommended better communication between the Federal Government and the State and locals. OMB had really started out, I think, with a good set of guidance. But they could build upon those efforts and strengthen their abilities. Particularly, States were concerned where Federal money was going directly to localities and bypassing the States. What they were concerned about is that since they were making their own decisions to allocate money that they wouldn't adequately coordinate, and so might be actually double funding the same activity. And so we recommend that OMB notify the States of all the money that is going into that State.

OMB agreed with the thrust of all our recommendations. And so I think we got off to a good start in trying to make sure that accountability issues are dealt with.

Ms. WASSERMAN SCHULTZ. Absolutely. Thank you.

My time is expired.

Mr. Aderholt.

OVERSEAS PRESENCE

Mr. ADERHOLT. Yes.

It is my understanding that, back in September 2008, you established an ongoing temporary duty presence in the International Zone in Baghdad, Iraq, and that GAO employees are assigned there for a 6-month period. What is the current number of staff present in Iraq and what are some of the responsibilities that they have?

Mr. DODARO. Sure. First of all, the presence is exactly as you mentioned, Congressman Aderholt. We still have three people

there. We just completed the 6-month tour with three individuals. We have just assigned three new individuals over to Baghdad.

We do a range of activities over there. We have been focusing on monitoring the security situation over there and regularly report to the Congress on that. We also look at the reconstruction activities, the contracting activities going on over there, and the efforts by our military to train the Iraqi police and military.

And also, we look at the various sectors, whether it be the energy sector, the electrical grid, water supply, et cetera. Another important feature of what we look at is the efforts by the U.S. Government to bolster the capabilities of the Iraqi ministries to carry out normal government functions. And we also monitor their efforts to pass some of the legislation that is really necessary and that was agreed to previously as well.

Now, a big focus for us going forward will be the drawdown of the troops over there. During the first Persian Gulf War in the early 1990s, that drawdown took about 15 months. There were a lot of issues, and we already issued a report on the status of planning activities at the Department of Defense. There has to be arrangements made with other countries to move the equipment. The equipment has to be cleaned. There has to be environmental restoration issues. So there are a whole lot of issues associated with the drawdown. So we will be monitoring these areas that I mentioned as well as the drawdown activities.

Mr. ADERHOLT. Do you have any plans to have much of a Department presence there for the long-term?

Mr. DODARO. Not really. We used to have many overseas and international presence during the, for example, the Vietnam War and some other activities. We have closed all those activities. So I don't have any plans right now.

The only thing we have been thinking about is with the efforts in Afghanistan, and we have also monitored some of the U.S. efforts in Pakistan as well. We might move to a regional presence activity to have something there that we can deploy people to and from those locations. But I think it is not effective for us to have a lot of brick-and-mortar presence in other places given modern communications, modern technology, and transportation efforts.

ACTIVITIES UNDER THE PRESIDENTIAL TRANSITION ACT

Mr. ADERHOLT. I know the Presidential Transition Act specifies that GAO is the source for the transition team when a President leaves and another President takes over. Tell us a little bit about this. I think the subcommittee as a whole would be interested in what role you all play in that transition.

Mr. DODARO. Yes, I would be happy to.

As you mentioned, the Presidential Transition Act was amended in 2000 to include GAO as a resource for new administrations so that they could learn about their management risks and challenges associated with making the leap from campaigning to governing. But given this particularly challenging time for our country, we decided not to be just reactive and wait for people to come to us and seek our advice.

On November 6, 2 days after the election, we posted a Web site that we had been working on for a number of months which dis-

tilled all of GAO's hundreds of reports and testimony down to 13 urgent issues that we thought the administration needed to focus on from day one, which included financial institutions and markets; U.S. efforts in Iraq, Afghanistan and Pakistan; dealing with preparing for public health emergencies, which we are seeing some of that right now; and military readiness and spending. And we also listed for the 28 largest Departments and Agencies what we thought needed to be done for each major Department and Agency to assist the individual teams for the transition efforts as well.

We also listed cost-savings opportunities that were based on open GAO recommendations that hadn't been implemented. We talked about the long-term structural deficit problems that the government was confronting. And so all GAO's advice was made available 24 hours to the transition teams.

We continue to update that site and continue to meet with new officials as they come in to office. So I was very pleased; that transition material I know was used effectively. And we got some feedback on it. And I think we played a very important role on helping the administration get up and running.

Mr. ADERHOLT. It appears the most recent transition went very smoothly, so you played an important role in that.

Mr. DODARO. To the credit of the Bush administration as well, I thought they put a good bit of effort into preparing for the transition as well.

Mr. ADERHOLT. Yes, I think both sides.

Mr. DODARO. I think it was very well done.

Mr. ADERHOLT. That is all.

IMPROVING THE EFFICIENCY OF RECOVERY ACT ACCOUNTABILITY MEASURES

Ms. WASSERMAN SCHULTZ. Ms. McCollum.

Ms. MCCOLLUM. Thank you. I would like to thank you for the work that you do and for coming over to brief me earlier on some of the challenges that I see with the recovery package funds and transparency and accountability, so I am going to follow up on some of the discussion that we had before.

City, State and tribal governments, they all want to meet the reporting requirements. They are all very concerned that they do it in a timely, correct, transparent fashion. But as we know, in this economy we are seeing city, State, county and even the tribal governments having to make cutbacks because of incoming tax revenue and decreases in State budgets. So as we look forward to seeing the transparency and the accountability, they are very concerned that with the best of intentions, an inadvertent error could be made and something could not be reported in the right category, and everybody would have a sad story.

I asked you what role the GAO is going to play in the process so Congress and the administration have good, accurate, and timely information; but we also have to audit how the reporting process is working so we can make adjustments when they need to be made.

One issue, after speaking with some tribal governments—and I am going to meet with one of our Minnesota tribal governments shortly—is in the area of housing. And especially in health care,

they have the Bureau of Indian Affairs, they have NIH, they have three or four agencies and categories they have to report to. Is it going to be up to them to separate where all of the individual funding came from? Is each one of the agencies going to work together so that the tribal government only has to fill out one form for transparency and accountability, or are we going to make this a nightmare for everybody?

What can we do legislatively or working with the White House to make this work the way that everyone wants it to work in a friendly, fair, transparent manner?

Mr. DODARO. First, OMB is moving to try to have a central reporting system, and we have encouraged them to move along those lines. One of our recommendations was that they put a working group together—Federal, State, and local officials—to work on the reporting requirements.

A number of State officials had written a letter to myself and Director Orszag and asked to meet and work through the reporting requirements. I think there needs to be clarification. I was glad to see OMB postponed the first reports until October 10, rather than July 10, to provide more time for this type of coordinated activity to take place, so there is greater clarity and it is an efficient and effective process.

We are working with OMB to make sure that this is as efficient as possible, but the only way to deal with it here is to have OMB centralize it. Some agencies have their own reporting responsibilities, but they are going to have to try and coordinate those activities together.

You also asked me about coordination with the National League of Cities. We have coordinated with them. They testified at the hearing that I testified on before the Senate Homeland Security and Governmental Affairs Committee. So we are going to continue to work with the various levels of government ourselves and try to communicate with OMB.

Also, the one recommendation that we made about having some of the money available for administrative purposes should help, if OMB clarifies that, it should help in the reporting area as well so they have some administrative support necessary to prepare the reports.

PANDEMIC ISSUES

Ms. MCCOLLUM. As the flu epidemic possibly could turn into a pandemic—and there have been wonderful, wonderful steps taken by the Bush administration, in moving forward and doing a lot of good things. And the House of Representatives tried to put more money forward, but we lost that battle. It looks like the money might be coming now.

What, if anything, has GAO been looking at or doing, in the line of preparedness, not so much in flu vaccines and public health, but the inventory because we have crash carts in hospitals that have 30 drugs on them, and 29 of the drugs are imported from Canada, China and perhaps Mexico and other countries, and we are more and more dependent, especially in this economy, on an on-time delivery system?

What oversight has there been and what direction has there been, or haven't we had the time or the resources to do what we need to do to find out how the on-time deliveries in the private sector are affecting outcomes for food, water and basic supplies that hospitals and public health infrastructures depend on?

Mr. DODARO. For the last 3 years, we have been focused on planning for a pandemic. We have issued 11 reports and testified a couple of times and made over 20 recommendations to build on the efforts that were made previously over there. Some of them have gone to the capacity issue, clarifying roles and responsibilities throughout the intergovernmental system. So I think those are very important issues.

In fact, we had suggested to the Bush administration that they push the guidance forward to determine how the antivirals are administered. Since you have limited numbers of them, what priorities ought there be for distributing the amount of antivirals at the State and local level? They did issue that guidance back in December, which we were encouraged by. But we still have some outstanding recommendations.

But the other thing that we did was, we added to our high-risk list this past year, better protecting the public through enhanced oversight of medical products, which include manufacturers of drugs, including vaccines, as well as medical devices. We didn't think that FDA really had the capacity, or had made the shift in focus needed, because of the foreign production of drugs and medical devices, to have the proper oversight over that area. So that is a separate area. It is related to what you are talking about with on-time deliveries, but it starts with the fundamental oversight of safety to begin with.

So we made recommendations in both of those areas. I will look more specifically to see if we dealt with real-time delivery systems and provide it for the record if we have done more.

Ms. MCCOLLUM. Thank you.

RECRUITING AND INTERNS

Ms. WASSERMAN SCHULTZ. Mr. Cole.

Mr. COLE. I inadvertently stepped on my good friend Mr. LaTourette's toes when he asked a question, and I want to be very sure that I ask his question because I think he wanted an answer for the record.

During our visit in my office last week, we discussed the skill set you need to carry out the various audits and projects you oversee and how you find people with these skills. Would you please highlight these skills for the subcommittee and discuss how you recruit potential employees?

And he had a follow-up: What role will interns play in this process?

Mr. DODARO. I am going to let Sallyanne explain our national recruiting program, but basically the skill sets we need in GAO are varied. We have a highly professional, trained workforce that has multiple levels.

We have public policy analysts. We have economists. We have financial auditors. We have computer scientists. We have a number

of people in specialized areas. We have an actuary and we have physical scientists. We have civil engineers, whatever we need.

When we were asked to help on the Capitol Visitor Center, we had a trained civil engineer, and he was able to go in there and really provide sound advice. And we do that with construction projects across the Federal government.

The same thing with nuclear facilities or radiological devices or biological information. We have a medical doctor who heads our health care area.

So we have a wide range of skills and a very sophisticated recruiting effort to obtain the skills that we need. I will turn the floor over to Sallyanne to explain how we do it.

Ms. HARPER. Basically we want to stay in the market of always recruiting, and so we build long-term relationships with places where we are drawing these skill sets from. We really believe in refreshing at the entry level and building from the entry level in. So normally we are recruiting at the Masters and above level.

We also have a very aggressive intern program; 160 to 170 interns come in, normally May to September. They try us out and we try them out. We make offers to about 70 percent, on average, and we get about a 70 percent acceptance rate. We found that they tend to have retention benefits for us. They will stay longer because they know what they are getting into. And so I think that combination has proven very successful.

Mr. DODARO. Congresswoman McCollum, your question about GAO retirement eligibility, at the end of 2010, only 17 percent of GAO's workforce is eligible to retire, and it is about 42 percent of our senior executive corps. But Sallyanne and myself and a lot of other people at GAO have been working for a number of years on succession planning efforts to make sure that we not only retain proper skills, but that we also develop the workforce for the future because we are undergoing demographic changes just like the rest of the country.

TARP ACCESS

Mr. COLE. Mr. LaTourette's question and mine dovetail well. This is my question.

On the whole issue of TARP—and we talked about this with CBO—obviously, we now have a huge expenditure that is not like anything that any of us have done before. Have you been able to get the kind and the number of people that you think you need to have to get a handle on that?

Mr. DODARO. Yes. I feel very confident that we have the right skills. What I am concerned with TARP is having the proper access to get the information that we need. Let me explain a little bit about that.

In order to do TARP, we pulled financial market experts. We have financial auditors. We have attorneys who specialize in conflict of interest. We have procurement specialists who look at how they contracted for the asset managers. And we have economists who can track whether the effort is producing the desired effect in the markets in terms of the credit rates and the interest rates. So I feel very confident that we have the right team.

We have been focusing to make sure that Treasury hires up the right people to manage the program effectively.

Ms. WASSERMAN SCHULTZ. If the gentleman would yield for one second, the $25 million that we appropriated, was that enough for you to deal with all of the oversight that you need to deal with?

Mr. DODARO. The $25 million was for the Recovery Act, which will go through September 2010. TARP will get reimbursed from the Treasury Department.

Ms. WASSERMAN SCHULTZ. So oversight is reimbursed from Treasury?

Mr. DODARO. And as long as the TARP money holds out, we will be okay.

But the access issue is the big concern I have as to the TARP program, because it has been leveraged with activities at the Federal Reserve and FDIC. At FDIC we have authority, and we have authority at Treasury. But if the Federal Reserve uses monetary policy discount window operations, which is what they are using for most of these activities, we are statutorily prohibited from auditing those activities at the Federal Reserve.

I have been vocal about this in testifying before Congress on TARP programs and changes to the broader financial regulatory system, which we added to our high-risk list. But if Congress wants us to conduct effective oversight, they have to change the statute; and a number of committees are considering ways to do that right now, because the amount of money that is being leveraged at the Federal Reserve outshadows the TARP funds.

Mr. COLE. I hope you will do that, and I hope we give you that ability. We would like to make sure we have a very good feel for what is going on, and you are very transparent with the American people.

TRIBAL RECOVERY ACT GRANTS

My last question is related to something Congresswoman McCollum asked. In the stimulus package, there is a lot of money set aside for tribes. My understanding, talking to some tribes, to access, for instance, law enforcement money, they are required to produce a set of statistics, criminal statistics, which are really set up and work real well for States and localities, but don't work well for tribal governments. They collect statistics, according to the FBI, which is not broken out for tribes.

They are having difficulty producing the data that is required for them to literally go and compete. It is one of these things that I would ask you to look at.

Over the last several years, we made it explicit in any grants—and we did this on the Rules Committee—that States, localities and tribal governments could compete for certain things; and yet, we clearly had a set of requirements, sometimes with DOJ, where literally the requirements are such that they are effectively denied the eligibility that Congress clearly wanted them to have. This is one of the area of special expertise, if you will, that is really hard, because Indian law and sovereignty are difficult.

If you can look at that and see if there are areas where we clearly are not giving tribes the ability to access money that Congress set aside because they cannot meet the statutory requirements.

Ms. MCCOLLUM. If the gentleman would yield, I think one or two phone calls would probably clear it up, but with tribal nations they have tribal courts. So how things are charged out sometimes are different, and so the statistic gets reported differently.

Some of the restitution is done in a culturally significant way where they have very good success rates, and some of the traditional western U.S. governments are looking at whether it is a tribal justice circle for restitution.

They are starting to adapt some of those into our system, but they are not necessarily recognized as being the way to conduct business as usual. So I think that tribal governments, because of their different agency jurisdictions and because of their sovereignty, we need to be sure that we are being respectful.

Mr. COLE. I think this related to Byrne grants. That seems to be where the problem is, the whole statistical issue, it is really a challenge because tribal courts have limited jurisdiction. Where the crime was committed, which court they get referred to, whether it goes to a Federal court or a State court or a tribal court are really complex.

If we ask you to give us your statistics from the State of Oklahoma, or Oklahoma City, that is a pretty easy job to do. It is really tough with tribal government, just given the overlap in jurisdictions and limitations of tribal courts.

Again, I think Congress has a clear intent, but we may not have come up with a mechanism whereby they can literally go to DOJ and say, here is our challenge, here are the grants we would like to compete for.

Mr. DODARO. The Byrne grants are on our list of 22 that we are going to track, so we will take a look at this issue.

GAO WORKLOAD

Ms. WASSERMAN SCHULTZ. Before we wrap up—and I will check with other members to see if you have additional questions, but just three quick questions.

I don't really have a sense, but do you think—and I am trying to put this diplomatically. Do you think most committees have a good understanding of the workload that accompanies their request that they make of GAO or the cost associated with it? I get the sense that most committees just view GAO as a bottomless pit that has an army of workers that are experts and are standing by waiting to have their particular requests for a report dropped in their lap.

Would it make sense to let chairmen know the cost of their requests that they are making, to maybe put the cost of a particular report at the bottom of the report so the chairman would know, or anyone would know, what it costs to produce a report?

And you actually have fewer employees than 10 years ago?

Mr. DODARO. Yes.

Ms. WASSERMAN SCHULTZ. And you are trying to staff back up because we are increasing our accountability, which is a good thing. And I think you have made a good case for additional staff, but—your statement asks for an additional 109 FTEs, but the budget justification indicates that you plan to hire 319 additional staff.

Are you dealing with that difference through attrition?

Mr. DODARO. Right. That is to replace attrition and add additional people.

I think the way to deal with the workload issue is two things: One—and we have been trying to work this with each committee—is to set priorities.

Ms. WASSERMAN SCHULTZ. And I am not suggesting that chairmen are asking for reports that they don't need. I am not sure that they always prioritize.

Mr. DODARO. I think the understanding is increasing. We are working with each committee to set priorities. I think that is working effectively. The one area where we don't have any control is when committees go into conferences and requirements are added there.

We track every bill that is introduced that has a potential mandate for GAO. And if we don't think that it is something within our scope of authority or competency or clearly stated, or gives us flexibility, we try to work up front with the committee.

We also will be submitting again this year a list of mandates that we believe have outlived their usefulness and can be eliminated. And if we can find a way to somehow get conference amendments referred to our oversight or appropriations committees as part of a procedural matter, that might help a little bit.

Other than that, I think we are doing a good job managing priorities, and I think that is the best way to deal with the issue that you raised.

Ms. WASSERMAN SCHULTZ. Great.

COMPTROLLER GENERAL ANNUITY

On the CG annuity issue, and I know you are contracting with the National Academy of Public Administration per the language in the bill from last year to review the issue of the lifetime annuity of the Comptroller General, has that contract been finalized?

Mr. DODARO. Oh, yes. And the report is due by July and we have set the contract in order to make that.

Ms. WASSERMAN SCHULTZ. And how many previous Comptrollers General and/or their widows are currently collecting a lifetime annuity?

Mr. DODARO. Two, I believe. Two.

GAO PAY SYSTEM

Ms. WASSERMAN SCHULTZ. I don't have any homework because I think you have enough work for you to do. You have enough on your plate.

Just give us an overview real quick of the evolution of the pay system and how you are dealing with that and the employees and their reaction.

Mr. DODARO. Recent history?

Ms. WASSERMAN SCHULTZ. Yes, recent history.

Mr. DODARO. The recent history is that the GAO Act of 2008 resolved those prior issues. We made all of the retroactive payments. We appreciate the Congress's enactment of that, and we raised the pay-up for those people and made retroactive payments, so that issue is resolved for the people currently here at the GAO.

Now we have also reached tentative agreement—we reached agreement quickly in 2008 on pay, with the union. We have tentatively reached agreement with the union for 2009.

UNION RELATIONS

Ms. WASSERMAN SCHULTZ. Speaking of the union, how are your relationships going?

Mr. DODARO. I think very good, and I would expect them to give a similar report.

We have an interim collective bargaining agreement. We have reached agreement quickly 2 years in a row on pay. We are working on a longer-term agreement, the framework for that, for the first master collective bargaining agreement. I have met with them several times, Sallyanne and myself, to make sure that everything is on track.

We have got good labor management people that we have hired to work with them. They meet with them weekly to work through issues. I think it is going well, and I am committed to make sure that it stays that way.

Ms. WASSERMAN SCHULTZ. Wonderful. Thank you.

With that, thank you very much for your service and time. Keep up the good work. Don't forget to bring our message back.

Questions for the Record - GAO
Chair Wasserman Schultz

Question. Congress provided $25 million for 2009 and 2010 for GAO's oversight work regarding the economic recovery program. Now that you have some better idea of the scope of the work, is this amount sufficient?

Answer. We appreciate the funding provided to us by the Congress in the American Recovery and Reinvestment Act of 2009 (Recovery Act). Preliminary indications are that it will be a challenge for us to keep the scope of this effort within the $25 million made available to GAO for fiscal years 2009 and 2010. At this point, however, and absent any further action by the Administration and the Congress, we do not intend to seek supplemental funds. A favorable response to our fiscal year 2010 budget request would provide the support to meet current needs.

Included in the dozen mandates for GAO in the Recovery Act is an ongoing oversight role for GAO to conduct bimonthly reviews of selected states' and localities' use of funds made available under the Act. Of the $787 billion included in the Recovery Act, approximately $280 billion will be administered through states and localities over several years. GAO has selected a core group of 16 states and the District of Columbia that we will follow over the next few years to provide an ongoing longitudinal analysis of the use of funds provided in conjunction with the Recovery Act. These states, which contain about 65 percent of the U.S. population, are estimated to collectively receive almost two-thirds of the intergovernmental federal assistance funds available through the Recovery Act.

With the funding provided by Congress, we plan to hire about 100 additional staff—most of whom will be hired under a short-term, temporary appointment - to supplement the existing GAO staff and leadership in order to enable us to meet the requirements of the Act. In the two months since enactment of the Recovery Act, we have delivered the first 60 day report but are continuing to assess and prioritize planned activities, much of which extend beyond fiscal year 2010. Furthermore, we are developing the protocols necessary to govern the required work, as many of the areas that are being addressed in the Recovery Act overlap with GAO's ongoing oversight responsibilities.

Over time, the programmatic focus of Recovery Act spending will change. In fiscal year 2009, health, education, and transportation programs are estimated to account for approximately 90 percent of Recovery Act funding in the states and localities. However, by fiscal year 2012, transportation will be the largest share of state and local Recovery Act funding. Taken together, transportation spending, along with investments in community development, energy, and environmental areas that are geared more toward creating long-run economic growth opportunities, will represent approximately two-thirds of state and local Recovery Act funding in 2012. Therefore, GAO will be providing oversight through 2012 and funds to cover this work, will be built into our future budget requests.

Question. Mr. Dodaro, your budget proposes to add an additional 109 FTEs to GAO's current staffing ceiling to deal with your increased workload. The budget documents describe this increase in workload as a result of getting more requests from Congress. Can you describe how the level of requests has changed over the last several years?

Answer. The demand for GAO services remains high as a direct result of the high quality of our work, and is an indication of the Congress's desire for timely and objective analyses and professional advice. In each of fiscal years 2007 and 2008, GAO received over 1,200 requests and mandates, including work from all of the standing committees of the House and the Senate and over 80 percent of their subcommittees. Since fiscal year 2005, the total number of congressional requests, including mandates, has increased 17 percent.

In addition, our studies are covering more complex issues across a broad range of federal programs, requiring more in-depth analysis to complete. In fiscal year 2008, our studies included issues such as the progress of U.S. counterterrorism measures and efforts in Iraq, Afghanistan, and Pakistan; the need for stronger regulation over Fannie Mae and Freddie Mac; modernizing the regulatory structure for financial institutions and markets to meet 21st century demands; controlling escalating health care costs while reforming the system to improve the quality of care and coverage; creating long-term energy development plans while addressing the implications of climate change, protecting critical cyber infrastructures; as well as rethinking policies and investment strategies related to public health, education, infrastructure, housing and broader economic development goals.

In fiscal year 2004, in order to address our workload and provide more transparency about our decision-making criteria, GAO revised its Congressional Protocols to clarify our authority to conduct work, delineate our priorities for initiating work, and identify the factors we consider in accepting work. Before accepting requests, GAO considers factors, such as

- the subject matter of the request;
- GAO's statutory audit and access authority, including whether the entity or program to be evaluated receives federal funds or is carried out under existing federal law;
- GAO's professional standards and core values;
- the amount of resources involved, including any related cost benefit considerations;
- the extent of backlog within the GAO team that would be responsible for the work;
- other ongoing work being conducted for the requester(s);
- whether any related audit or investigation, including a criminal investigation, is ongoing or imminent by another governmental entity, including, but not limited to, agency Inspectors General; and
- whether the issue is pending before administrative or judicial forums.

GAO senior officials consult regularly and on a bi-partisan basis with senior congressional leaders and committees to ensure that GAO's work is prioritized in accordance with their informational and timing needs and to help manage and minimize supply and demand imbalances. We also monitor pending legislation with proposed statutory mandates for GAO.

Question. I don't think most Committee's have a good understanding of the workloads associated with requests for many of these studies. I know the cost of individual reports varies widely but could you tell us how much money a typical GAO report costs?

Answer. In order to manage the workload and expectations, senior GAO staff work with committees to clarify and prioritize requests, and ensure that requests are reasonable and within the scope of our authority and available resources. I believe this process of working carefully with the committees to discuss and set priorities to manage our workload is the most effective way to communicate and manage this issue. It is difficult to define a typical GAO report and its associated costs due to a number of factors. The results of GAO's work are presented in a variety of forms, including reports, testimonies, letters, briefings, and legal opinions. The resources needed to conduct a GAO engagement and issue a product vary significantly depending upon the scope of the request, the complexity of the issues, and the extent of GAO's existing body of work related to the topic. In many instances, the data GAO collects and analyzes when conducting its work and the knowledge sharing that occurs is used on multiple engagements; as a result, it would not be cost-effective to accurately isolate the costs of particular engagements. Because we routinely leverage data and knowledge sharing across multiple engagements, we allocate staff resources and measure our performance by strategic goal rather than by engagement. Our fiscal year 2008 costs are shown in the following table.

	FY 2008 actual	
Strategic goal	**FTEs**	**Amount in millions**
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.	1,132	$183
Goal 2 - Provide timely, quality service to the Congress and the federal government to respond to changing threats and the challenges of global interdependence.	981	145
Goal 3 - Help transform the federal government's role and how it does business to meet 21st century challenges.	853	136
Goal 4 - Maximize the value of GAO by being a model federal agency and a world-class professional services organization.	115	41
Total	**3,081**	**$506**

Until FY 2000, GAO measured its effectiveness and efficiency by counting the number of outputs such as reports and testimonies. With the development of our strategic plan, we laid out performance goals and objectives and identified outcome-based performance measures, consistent with public and private sector best practice and the Government Performance and Results Act. Thus, we now measure the financial and nonfinancial benefits of our recommendations implemented instead of the number of reports we issue. GAO is in a unique

position to provide the Congress with the professional, objective, fact-based, non-partisan analysis it needs to improve the performance and ensure the accountability of the federal government. We believe that investing in GAO produces a sound return and results in substantial benefits to the Congress and the American people.

Question. In terms of the human capital challenges, we have already discussed adding new staff. What other changes are you considering to improve recruiting and retention of high quality staff?

Answer. GAO depends on a talented and diverse, high-performing, knowledge-based workforce to accomplish our work and carry out our mission in support of the Congress. Attracting and retaining the best staff is a top priority and a key challenge as we look for opportunities to improve our strategies and leverage what works well during this period of steadily rising competition for talent among knowledge-based organizations. We have been highly successful in attracting talent; however, we are beginning to see the impact of changing demographics and workplace expectations. Younger staff appear to be less likely to make a long-term workplace commitment, while at the same time mid- and senior-level staff with great institutional knowledge are becoming retirement eligible. On the other hand, with the economic downturn, we have seen a spike in the number of applicants for positions. Ensuring that we have efficient and effective processes to screen, select, and make offers in a timely manner is a high priority. To this end, we have a number of major initiatives underway under our Framework for Management Improvements related to "strengthening recruitment and retention". In addition, we are updating our 2008 workforce diversity plan which will provide a progress report card, establish a strategy for the future, and identify any new action steps needed.

Over the years, GAO has implemented a wide range of worklife employee benefits that help us both attract and retain quality staff. These include robust student loan repayment, telework, and flexible schedule programs, along with transit benefits, on-site child care, credit union, health unit and cafeteria, among others. We continuously review these programs with an eye on further strengthening our recruitment and retention rates. For example, in fiscal years 2009 and 2010, we plan to raise the basic and special category student loan repayment amounts for eligible staff. In addition, we continuously review and update our staff development, mentoring, and leadership programs to help our staff grow and progress in their career tracks. We have a number of new learning programs we will be implementing.

The following provides an overview of our initiatives underway in recruiting and retaining a high quality and diverse workforce.

- Increasing the agency's diversity profile and expanding efforts to attract and retain a diverse workforce. We have made gains in many areas, such as in the number of women and African Americans at senior levels which exceeded the civilian labor force levels and among our predominant occupations, where diversity exceeded the relevant civilian labor force levels. We have also identified a number of priority action steps that are currently underway around three goals: recruiting more Hispanics, African Americans, and staff with disabilities; enhancing staff development opportunities that prepare staff for upper level positions; and creating a more inclusive environment.
- Comprehensively evaluating our external recruitment and hiring activities to ensure that we achieve maximum return on investment. We are reviewing our campus recruitment program and schools we visit and our on-campus activities to ensure we are achieving our goals in terms of yield, costs, and diversity applicant pool, as well as researching best approaches for diversity recruiting efforts. In addition, we are evaluating ways to streamline our hiring, improve responsiveness to applicants and selecting officials, and

improve the job-candidate match. Interim improvements have already been put in place and yielded positive results. All these efforts will directly contribute to our maintaining a highly-skilled workforce.

- Reviewing our compensation programs, including performance-based compensation approaches and market-based pay to ensure that we retain our competitiveness for knowledge workers and will be assessing ways to selectively implement the authority provided by the GAO Act of 2008 to raise the ceiling on pay ranges covering Band III and equivalent positions from GS-15, step 10 when, and if, appropriate to do so.

Question. Your budget shows an increase in your travel budget of about 8 percent both for FY 2009 and another 8 percent for 2010. Our understanding is that travel costs are down nationally. Are these estimates still accurate?

Answer. Yes, our estimates are based on a number of factors, including planned FTE growth, increased travel costs, and enhanced oversight activities. Our travel estimate represents a modest growth per FTE of 6 percent from FY 2008 to FY 2009 and 4.5 percent from FY 2009 to FY 2010 to support our planned staffing growth from 3,081 FTE in FY 2008 to 3,250 in FY 2010. Also, our FY 2008 budget does not include funds to cover our oversight activities in Iraq and Afghanistan – funds were initially provided in FY 2007 to cover FY 2007 and 2008 – which accounts for part of the growth in FY 2009 costs.

In fiscal year 2009, GAO has experienced a 9.4 percent increase in hotel rates for the Washington. D. C. area. Also, rates for transportation between GAO field offices and headquarters have increased approximately 10 percent over fiscal year 2008 rates. These rates were negotiated by GSA last summer. GSA has not announced new negotiated rates for FY 2010. However, the Department of Homeland Security has announced that airport security taxes are expected to increase in FY 2010. In addition, given the volume and complexity of congressional requests, the number of trips by GAO travelers in fiscal year 2009 has increased about 8% over fiscal year 2008.

Question. Mr. Dodaro, does the change in U.S. deployment strategies in Iraq and Afghanistan effect GAO's requirements in that area of the world? How many GAO staff are typically in the war zones at any given point in time?

Answer. Yes, the deployment strategies in Iraq and Afghanistan change GAO's oversight requirements. Our work has expanded considerably as we monitor the costly and complex drawdown of U.S. forces in Iraq, the build up of forces in Afghanistan and the new and urgent focus on security issues in Pakistan. Additional travel to Kuwait and Jordan is also expected. Kuwait will serve as the primary transit point for U.S. forces and material withdrawing from Iraq, while Jordan currently supports thousands of refugees who may return to Iraq in large numbers in the near term.

For Afghanistan, GAO teams, averaging 3 persons per team, have completed nine trips over the past 2 years and have focused on issues related to Afghan security forces, contract management, road reconstruction, counter narcotics efforts and CERP (Commander's Emergency Response Program) funding. For Iraq, GAO has a continuing presence of 3 staff stationed at the U.S. Embassy. In addition, GAO teams, averaging 3 persons per team, have completed 10 trips over the past 2 years and have focused on issues related to Iraqi benchmarks, private security contractors, contract management issues, Iraqi security forces, ministry capacity and budget execution programs, ISR (intelligence, surveillance, and reconnaissance) capabilities, prevention of sexual assault and CERP funding.

GAO works closely with the Departments of State and Defense to ensure that our presence in these two war zones does not deter from the important missions of the departments. We coordinate closely with the department inspectors general, SIGIR and SIGAR to avoid duplication of effort and work closely with the defense, foreign relations, and government oversight committees to ensure we are addressing the issues of highest importance.

Question. I know you have a small core staff in Baghdad. Tell us how large this core support office is and what GAO's total commitment is to the war effort in that area of the world?

Answer. GAO has three staff assigned to rotating, six-month temporary duty tours at the U.S. Embassy in Iraq. They provide important on-the-ground oversight of U.S. efforts in Iraq and support multiple GAO teams completing Iraq related work.

GAO is committed to overseeing U.S. efforts to secure and stabilize Iraq; it remains one of our highest priorities as the U.S posture in Iraq changes from a combat to an advisory role. Since 2003, we have issued over 130 Iraq related reports and currently have 18 on-going engagements. These engagements include reviews of the strategic and operational plans for the drawdown of U.S. forces, the capabilities of Iraqi security forces, the management of U.S. contracts, the readiness levels of active and reserve component forces and the reintegration of displaced Iraqis. We have successfully worked with U.S. military and civilian agencies, the intelligence community, international organizations, and the governments of other countries to provide the Congress with timely information on U.S. efforts to secure and stabilize Iraq.

Question. Last year there was considerable interest by Members in expanding GAO's ability to do technology assessments. Could you talk about your current ability to conduct such studies and what plans you have for this work in the future?

Answer. In December 2008, we delivered a report to the appropriations committees in the House and the Senate that defined our operational concept for a permanent technology assessment program at GAO. The operational concept discusses how technology assessments would be initiated, how we would conduct them, the quality assurance process we would use to ensure the accuracy and integrity of our work, and how we would identify the results of our work. We also discuss the resources we need to permanently establish a technology assessment function at GAO, specifically the addition of staff and the development of relationships with key technical experts.

We are currently adding to our scientific and technical staff to support not only the technology assessment program, but also to provide additional capabilities to conduct technical audits and provide expertise throughout GAO on technical aspects of GAO audits. Examples of technical audits led by our technical staff include examining issues associated with biosafety labs, reviewing the security features on travel documents, and monitoring the Capitol Police's radio system project. Last year, we augmented our staff with the hire of a Chief Scientist and an experienced engineer, and we expect to hire additional experienced engineers and scientists this fiscal year. In addition, we plan to establish a science and technology advisory committee that will help us mature our technology assessment program, as well as help us to identify key scientific and technological issues that are of strategic importance to the nation.

In August 2008, we initiated a technology assessment examining the use of explosives detection technologies to protect passenger rail. This topic was selected in consultation with several congressional committees. The objectives of the assessment are to identify current and future technologies that could detect the presence of explosives in the passenger rail environment, determine the effectiveness of these technologies, and identify implementation and operational considerations of using these technologies to detect explosives in the passenger rail environment. We are in the planning and design phase of the job, during which we will determine the scope of the assessment and clarify the engagement objectives. We issued a task order to the National Academies to assist us in convening an expert panel to obtain input about the most relevant explosives detection technologies, their implementations, and their policy implications, as applied to passenger rail. The panel meeting is scheduled to occur in August.

TUESDAY, APRIL 28, 2009.

OFFICE OF COMPLIANCE (OOC)

WITNESSES

TAMARA E. CHRISLER, EXECUTIVE DIRECTOR
PETER AMES EVELETH, GENERAL COUNSEL
BARBARA J. SAPIN, DEPUTY EXECUTIVE DIRECTOR
SUSAN M. GREEN, DEPUTY GENERAL COUNSEL
ALLAN HOLLAND, FINANCE OFFICER

OPENING REMARKS—CHAIR WASSERMAN SCHULTZ

Ms. WASSERMAN SCHULTZ. Good afternoon. Our last agency for the day is the Office of Compliance.

Ms. Chrisler, welcome back to the committee.

The Office of Compliance is asking for a $4.5 million budget, a $400,000 increase from last year, which is about 10 percent. We appreciate the work that you do making sure that we can deal with the life safety issues that exist in the Capitol of which there are a wide and varied assortment. They are a priority for me and have been since I began chairing this committee.

But we are, as I have told every agency, in a situation where we need to understand what your "got to haves" are versus your "nice to haves," so that is what we are going to be looking for during your testimony and questions.

Mr. Aderholt.

Mr. ADERHOLT. Thank you, Madam Chair. I want to welcome Ms. Chrisler, and we look forward to hearing your testimony.

Ms. WASSERMAN SCHULTZ. Your statement is entered into the record. You may proceed with a 5-minute statement.

OPENING STATEMENT—MS. CHRISLER

Ms. CHRISLER. Thank you, Madam Chair, Mr. Aderholt, and distinguished members of the subcommittee. I am honored to appear before you today in support of the Office of Compliance's 2010 request for appropriations.

I would like to emphasize four major points from the written budget submission and our written statement, which is authorization and funding for an OSH program supervisor, funding for the already authorized compliance officer position, contract dollars for a fire safety specialist, and the Agency's cost savings effort.

Initially, though, before we go on to the appropriations matters, I would like to mention something that might be on everyone's mind, which is the swine flu. I want to share with you what the Agency has been doing with respect to educating and informing the legislative branch of what our efforts are.

We have been working with the Office of the Attending Physician and are currently collaborating with them on preparing a meeting for tomorrow, a legislative branch-wide meeting that will inform the campus and provide guidance on how to address pandemics in general and the swine flu in particular. This meeting will support the Agency's preexisting efforts to address pandemics. We have fast facts on our Web site, which are just publication information that are helpful to the covered community; we will be posting that on our Web site as well.

Before I move on to 2010, I would like to thank the subcommittee for its support of our efforts in fiscal year 2009. Because of the support of the subcommittee, we were able to do our job with respect to the Capitol Visitor Center. We were able to get in there and do preinspections and ensure fire safety concerns were addressed, and to ensure adequate accessibility issues were addressed for our visitors. And we thank you for allowing us to do our job. We appreciate that.

We also thank the subcommittee for the support that we received for our budget request in fiscal year 2009. Because of the support of the subcommittee, we have been able to improve internal operations. We have been able to compensate our staff at a level that is equal to their performance, and we have been able to continue with our technical assistance. We thank you for that.

For fiscal year 2010, we recognize the economic difficulties that the government and the country face, and we refrain from renewing certain unfunded requests from fiscal year 2009. I want to emphasize that. And I do want to emphasize that our request was made with that in mind. So we present that to you for your consideration.

Our most critical item is the OSH program supervisor. Currently, that role is filled by a nonreimbursable detailee from the Department of Labor. This individual has over 30 years' experience. He is a certified industrial hygienist. He provides technical expertise to our general counsel. He works with outside OSHA experts. He supervises the safety and health inspectors that we have, and he is retiring in calendar year 2010 and we would like to replace him with a position on staff.

We have been working with the Department of Labor for a nonreimbursable detailee. I am not sure how that is going to pan out. They have their own fiscal constraints and staffing issues as well. We are hoping that the committee will fund a position for us, as well as authorize a position for us, so that we can bring those duties on staff to increase accountability, as well as provide some consistency with our internal operations.

Second, funding for our compliance officer position that the committee graciously authorized for us in fiscal year 2008, but was not able to fund for us, we are requesting funding for that this year. The compliance officer position is necessary to ensure that none of the hazards that we find fall through the cracks.

In the 109th Congress, there were about 13,000 hazards that were identified. This past Congress, the 110th Congress, there were less, about 9,000. But we want to make sure that we are on top of monitoring the abatement of these hazards; and that is what this position will ensure.

Also, fire safety specialist. In fiscal year 2009, we requested an FTE for that. Currently, we have reevaluated how to meet the needs of the covered community, and we have withdrawn our request for an FTE at this time and we are asking for contract dollars for that position.

We have also reevaluated how to provide some of the training and outreach services that the Agency provides to the covered community, and we are not renewing our request for a trainer and ombudsman.

In line with the fiscal constraints that are facing this subcommittee, as well as the government as a whole, we recognize our responsibility to reevaluate the way we do our business. So we are engaging in best practices and shared services with sister agencies to reduce our costs; and we continually strive to provide the needed resources with minimal, though adequate, resources.

I thank you for the opportunity to appear before the subcommittee today. I am happy to answer any questions that you may have.

[Ms. Chrisler's prepared statement follows:]

PREPARED TESTIMONY

TAMARA E. CHRISLER, EXECUTIVE DIRECTOR

OFFICE OF COMPLIANCE

HOUSE COMMITTEE ON APPROPRIATIONS

SUBCOMITTEE ON THE LEGISLATIVE BRANCH

APRIL 28, 2009

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"). Joining me today are General Counsel Peter Ames Eveleth, Deputy Executive Director Barbara J. Sapin, 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 2010, and we seek your support of our request.

Before I get to next year, though, I want to express our appreciation for your support of our Office during FY 2009. Most notably, this Subcommittee assured that we were consulted on safety and health and accessibility issues during the final stages of the Capitol Visitor Center's ("CVC's") construction. Thanks to the Subcommittee's leadership, we conducted pre-inspections of the CVC to ensure a safe workplace for legislative branch employees as well as fire safety and equal access for visitors with disabilities. We value the opportunity to be of service to our stakeholders, and assisting with the CVC early enough to ensure that health, safety, and Americans with Disabilities Act ("ADA") issues were addressed prior to opening, was our responsibility. Thank you for making sure that we could do our job at the CVC.

In addition, the Subcommittee's support for the mission and efforts of the OOC was reflected in the funding level authorized for the OOC in fiscal year 2009. Thanks to the Subcommittee's support in FY 2009, the agency is able to increase its efforts to provide technical assistance to employing offices and employees, both on Capitol Hill and in remote offices; offer training programs tailored to the specific needs of the covered community; improve its operational infrastructure; and provide its talented workforce with salary levels that reflect their level of performance. We appreciate the continued support of the Subcommittee and thank you for your assistance in ensuring a fair and safe workplace for our covered community.

Your support has demonstrated results as recently as last week. During the April Congressional recess, we completed safety and health inspections in Member offices in the Cannon and Longworth House Office Buildings. OOC inspectors report a significant drop in hazards in those offices compared to previous inspections. Of the 267 offices we inspected, 27 had no hazards, while 50 offices had just a single violation – which often was a relatively minor infraction such as a "daisy chain" of surge protected power strips strung together. Over the past five years, hazards in these offices have dropped by 75%. We attribute this impressive result to your support for our collaborative efforts with the AOC/House Superintendent, the Chief Administrative Officer, and their staffs. Thanks to your outstanding support, Member offices are far safer today.

For our fiscal year 2010 operations, the Office of Compliance is requesting $4,474,475 - an increase of $402,475 or 9.88% over our fiscal year 2009 funding level. Like all of us in this room, we are mindful of the economic difficulties confronting the country and the federal government. We know that this Subcommittee faces real fiscal constraints. Accordingly, we are not renewing our request for a number of items from our 2009 appropriations request: namely, three FTEs – the fire safety specialist, the trainer, and the ombudsman. We recognize our responsibility to make more efficient our operations to meet the government's current fiscal challenges while at the same time fulfilling our mission.

Despite our funding challenges, however, we continue to perform our statutory duty. For example, we are working closely with the Office of the Architect of the Capitol ("AOC") staff to implement the Capitol Power Plant Utility Tunnel Settlement Agreement. Our full-time tunnel liaison has an excellent working relationship with AOC officials. As a consequence, our offices cooperate extremely well in ensuring that the life-threatening hazards that characterized the tunnels in the past are being abated in a timely fashion. In particular, asbestos has been removed from four of the tunnels and is being removed from a fifth. Assuming continued funding, we anticipate that all asbestos will be removed from all tunnels by the summer of 2010. Structural repairs are continuing. Emergency egress is being improved. Heat stress is being reduced. We are very pleased with the progress so far, and look forward to continued cooperation with the AOC until the Settlement Agreement is completely fulfilled.

We are also proud of our accomplishments in resolving employment disputes in the legislative branch. In FY 2008, we processed more than 100 claims raised by covered employees through our use of alternative dispute resolution, resulting in 18 formal settlements. Some of these claims were resolved with monetary awards, but many were not. The OOC played a significant role in fostering creative settlements that included non-monetary terms tailored to meet the needs of the disputants. This type of resolution is significant as it often

results in a win-win situation for both parties, and it is also a cost-savings measure for the government.

Looking forward, we want to continue to report accomplishments and meet our statutory mandates, but we cannot accomplish our mission without adequate resources. In light of the current economic situation, we are not requesting three FTEs that we asked for in the last fiscal year. But changed circumstances have highlighted the need for us to add one new position to our ranks.

Since 1997, the agency has benefited from the services of an employee on a non-reimbursable detail from the Department of Labor. This long-time OSH program supervisor and special assistant to the General Counsel is a certified industrial hygienist with over thirty years' experience in occupational safety and health matters. His duties include 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. In short, he is critical to our operation. But this detailee plans to retire in January 2010, and it may not be feasible to replace him with another non-reimbursable detailee. Moreover, these types of duties are best performed by an employee on staff with the agency, who is accountable to the very agency where the duties are performed. For these reasons, we are requesting the authorization for and funding of an OSH program supervisor FTE. Because the current supervisor will not retire until calendar year 2010, we have presented our request with a prorated amount of funding.

In FY 2008, the Subcommittee authorized a compliance officer FTE. The Subcommittee recognized the agency's need to monitor the abatement schedules of employing offices and ensure that employing offices have taken appropriate steps towards resolution of identified hazards and violations. Because of financial constraints, however, the position was authorized without funding in FY 2008 and remained unfunded in FY 2009. The agency requests in our FY 2010 submission funding for this very critical position. Receiving funding for this position will allow the Office to perform its statutory duty by providing technical assistance to employing offices in abating complex hazards, assuring timely abatement of OSH hazards identified in the OSH biennial inspections and requestor-initiated inspections, and ensuring compliance with OSH-related citations.

In our FY 2009 request, the OOC sought funding to support our "prevent and reduce" initiative. This initiative was created to reduce the number of incidents giving rise to allegations of violations of the Congressional Accountability Act ("CAA"). It was contemplated that three additional FTEs – a fire safety specialist, a trainer, and an ombudsman - would provide technical fire safety expertise, as well as assist employees and employing offices to resolve complaints at the lowest possible level, resulting in taxpayers savings. The agency remains convinced that

these FTEs would provide the covered community with essential technical assistance and allow for early and amicable resolution of workplace disputes. However, given our current financial situation, we have explored other ways of providing these services to the covered community. Consequently, we have removed these FTEs from our FY 2010 request and only seek minimal funding for contracted fire safety services.

We are all aware that fire safety continues to be a critical concern for the legislative branch. Significant, long-standing fire hazards remain in House and Senate Office Buildings, the Capitol, and Library of Congress facilities. These buildings present special challenges due to their historic nature, innate beauty, and ongoing heavy usage. Through collaboration with the AOC, the OOC has made significant progress in developing abatement plans to resolve fire safety Citations that have been pending since 2000 and 2001. However, because of the challenges presented by the beauty and history of these buildings, the efforts to abate the hazards may continue for years before complete abatement is achieved. As our efforts at accelerating abatement activity have increased, the demands on our fire protection engineer and legal staff have significantly expanded.

As the agency is staffed with only one inspector with specialized expertise in fire safety issues and one attorney who spends a large portion of his duties addressing matters other than fire safety concerns, the agency is limited in its resources to address these critical hazards. We recognized the need for additional resources in this area and requested an FTE in FY 2009. Although the need for additional resources continues, the agency has reexamined exactly how to meet that need. As a result, the agency requests FY 2010 appropriations for the contractual services of a fire safety specialist. We expect that this Specialist will serve a function similar to that of our tunnel liaison, and devote full-time efforts to resolving the very serious fire hazards present in the legislative branch. Removing the request for an FTE results in a savings of almost $25,000.

In an effort to reduce costs for our mandated dispute resolution program, the OOC has entered into an interagency Memorandum of Understanding with the Merit Systems Protection Board ("MSPB"). This Memorandum allows the agency to utilize MSPB mediators and hearing officers to conduct proceedings that are required by the CAA. Further plans are being made to enter into additional interagency agreements with other agencies. Such agreements allow the OOC to reduce costs because they typically provide for more favorable rates for contracted services. The OOC realizes that our mediation and hearing services contain certain elements beyond our control: the agency does not dictate the number of claims presented for mediation or the number of complaints filed for hearing. We do have control over the costs for services, however, and it is those costs that are continually working to reduce.

CONCLUSION

The agency approaches FY 2010 with heightened fiscal responsibility and an understanding that only minimal funding essential to meeting our mission may be available. We have reexamined 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. There are a number of items requested in our written budget justification that we submit for your consideration. The ones mentioned today, though, are those that we would like to highlight for the Subcommittee: an OSHA program supervisor, funding for the previously authorized compliance officer FTE, and contractual funding for a fire safety specialist. 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.

STAFFING INCREASE REQUESTED

Ms. WASSERMAN SCHULTZ. Thank you very much.

Let me focus in on the OSH program supervisor, because I certainly understand the logic behind wanting to bring that person on staff. But if you can get it from the Department of Labor, since that model has worked so far, we would strongly encourage you to do that. We are all dealing with bottom lines here, and my strong preference would be not to have to fund that as a permanent position if you can get it from the Department of Labor.

Do you know when you will know whether or not you can?

Ms. CHRISLER. We have spoken with them as recently as January of this year, and have really understood from them that they are—a lot of their senior level staff have been retiring as well, and those positions have not been refilled. So they are dealing with a limited pool of staff that they would be able to share with us at the experience level and credential level that our program needs.

So looking realistically at filling the needs of our agency with a detailee from the Department of Labor, it doesn't look like it is going to come to pass.

Ms. WASSERMAN SCHULTZ. Because they don't have the experienced personnel that they detail to you?

Ms. CHRISLER. Yes, that they can detail to us.

It is not that they don't want to, it is that they can't.

Ms. WASSERMAN SCHULTZ. And if you are choosing between a compliance officer and the OSH program supervisor, which is the higher priority?

Ms. CHRISLER. The OSH program supervisor.

Ms. WASSERMAN SCHULTZ. So if we can't do both of them, you could live without the compliance officer?

Ms. CHRISLER. The duties that the compliance officer will fill need to be done, so—living without the position is what we have been doing, and it is draining our resources. What we are doing is really having our inspectors fill the role of what the compliance officer would do. That is taking away hours and time from the inspectors.

So, yes, we could do it. We have been doing it, but we would be more productive if we weren't having to do that.

RETENTION OF STAFF

Ms. WASSERMAN SCHULTZ. In the reports that you submit to us on a biweekly basis now, on your organizational chart you have a lot of vacancies. Are you having retention issues? You only have 20 employees, but you do seem to have a lot of vacancies.

Ms. CHRISLER. We have had some retention issues in the past. The support that we have received from the subcommittee with respect to fiscal year 2009 in allowing us to increase our salaries, I believe will address some of that. We are working with our oversight committees to address some of the benefits issues that we have, tuition reimbursement, student loan reimbursement.

The subcommittee helped us in fiscal year 2008 with respect to internal promotion, allowing our staff to be promoted into one of the appointed statutory positions. That was very helpful, and that has helped us as well.

EEO COMPLAINTS

Ms. WASSERMAN SCHULTZ. Two other questions: When GPO was here earlier, I asked them about their EEOC and discrimination complaints. They don't seem to be abating, and they continue to have each week about the same number of discrimination complaints. It seems unusually high to me compared to the other legislative branch agencies. Have you worked with GPO? Or have any of those complaints come through your office, and what steps might you be taking to address them?

Ms. CHRISLER. We don't work with GPO. Our statute specifically does not give us jurisdiction over GPO with respect to these claims.

Ms. WASSERMAN SCHULTZ. Why not? Does anyone have jurisdiction over them?

Ms. CHRISLER. EEOC does. And so all of those complaints go to EEOC, and they are not processed through our office.

Ms. WASSERMAN SCHULTZ. Whereas a complaint within the House of Representatives or any of the other legislative branch agencies would go to you?

Ms. CHRISLER. With the exception of GAO and LOC. The GAO has their personnel appeals board, and the Library of Congress uses them as well.

Ms. WASSERMAN SCHULTZ. I am concerned that this continues to be the one agency that has dinosaur-like qualities that don't seem to be changing. I don't think it is for lack of a desire to change; it is just that it is going more slowly than I think it should.

Ms. CHRISLER. Although our statute doesn't give us jurisdiction over their claims, we have outreach services that we would love to offer GPO. If they chose to seek our assistance, we would be happy to help them.

Ms. WASSERMAN SCHULTZ. Thank you. That is good to know.

UTILITY TUNNELS MONITORING

The utility tunnels: The abatement process, from what has been described by AOC, is ahead of schedule and is going well. It is costing far less than they originally predicted. Do you agree with that assessment?

Ms. CHRISLER. Yes. Progress is steady, and it is ahead of schedule. And from what they have shared with us, it is under budget as well. And if funding continues to go along as anticipated, we expect that progress will continue.

Ms. WASSERMAN SCHULTZ. That is what I like to see: ahead of schedule and under budget.

I am going to end on a high note.

HAZARDS IN MEMBER OFFICES

Mr. ADERHOLT. Your testimony states that hazards in Members' offices have decreased by 5 percent in the past 5 years?

Ms. CHRISLER. Yes.

Mr. ADERHOLT. What efforts have been made by your office that have attributed to this decrease?

Ms. CHRISLER. I think it is working collaboratively with the Office of the Architect of the Capitol, as well as the AOC House Superintendent, along with the outreach efforts that we have made.

The fast facts that we publish on our Web site are very practical. A lot of the employing offices and employees find them very useful, as well as the employee representatives. So it is our education efforts and our outreach efforts, along with our collaborative work with the AOC and the Superintendent—and the CAO's office as well.

Mr. ADERHOLT. Regarding caseloads, how many cases do you currently have open?

Ms. CHRISLER. With respect to safety and health or just in general?

Mr. ADERHOLT. In general.

Ms. CHRISLER. I would not be able to pull that number off the top of my head.

Mr. ADERHOLT. We talked a little bit about this earlier, but what seems to be the most prevalent among the cases that you see? What comes before your office?

Ms. CHRISLER. We see a lot of minor safety and health violations, the daisy chain cords that are plugged one into the other.

We see a lot of retaliation cases with respect to the workplace rights area, the dispute resolution program, the EEOC-type of issues.

We see a mixture of age and race and gender claims. Not to say that this is running rampant among the legislative branch agencies, but looking at the types of claims that we see, these are the cases that we see.

There are, of course, significant, long-standing more serious hazards that we see with respect to fire and safety issues, as well as the utility tunnel concerns that are progressing as well. So there are a number and mixture of claims that are presented to our office.

ADDITIONAL OFFICE SPACE

Mr. ADERHOLT. When you came into my office a few days ago, one thing that you mentioned was that you need more office space?

Ms. CHRISLER. Yes.

Mr. ADERHOLT. On this request for the 2010 budget, does that take into account additional, trying to accommodate that?

Ms. CHRISLER. Thank you for the question.

The 2010 appropriations request does not include our need or continued request for additional office space. That is something that we have been working on with our oversight subcommittees, as well as staff from this committee. We are very grateful for the assistance.

We have looked at the need for the person power, and will address the space as it comes along, performance and work needs to be done.

So we have prioritized the need for the additional resources and will continue to work on getting the additional space. And that is something that has prevented us from moving forward in the past with filling certain positions. But certainly we are at the point now where the resources need to be filled and the space issues continue. And we continue to address them. Thank you.

Mr. ADERHOLT. That is it for me. Thank you.

Ms. WASSERMAN SCHULTZ. Thank you.

Ms. McCollum.

UTILITY TUNNEL WORKERS

Ms. MCCOLLUM. I would like to follow up with the issue of the settlement with the workers in the tunnel, realizing some of it might be an ongoing process and can't be discussed openly here.

Who is taking the lead on that, you or the Architect of the Capitol?

Ms. CHRISLER. Our office is. With respect to the utility tunnels and the issues entered into the settlement agreement of the Office of Compliance and the Office of the Architect of the Capitol, we have a tunnels liaison who works with the AOC's liaison. They have a very collaborative working relationship, and the process and the lines of communication are open and progress is going very well with them.

With respect to individual complaints filed by workers, that is something our office is not at liberty to discuss, and it is not involved in that process.

Ms. MCCOLLUM. So if someone signed an agreement, and later on other things come to light through you, you have the ability to have their issues addressed?

Ms. CHRISLER. Yes. Within our procedural rules, as well as the statute, there is a process for claiming an allegation of violation of a settlement agreement. Those allegations do come through our office and to my attention.

Ms. MCCOLLUM. Madam Chair, I know from serving in the Rules Committee at the State level, and serving on the city council, that you can go into closed session to discuss things that are personal.

Ms. WASSERMAN SCHULTZ. Yes.

Ms. MCCOLLUM. I would like at some point a closed session, working with our friends on the other side of the aisle, to find out what is really going on. Because on my watch, I don't want to say I just didn't know if at some point things weren't settled in a way that we as Members of Congress would want to see them handled.

Ms. WASSERMAN SCHULTZ. In particular, you're talking about with the tunnel workers?

Ms. MCCOLLUM. Yes.

Ms. WASSERMAN SCHULTZ. So that we can get feedback from them?

Ms. MCCOLLUM. In a closed session, not in a public session, because I think with all of that, we read press articles, we hear different sides of the story, and we don't have a chance for a robust discussion.

I'm not saying that I want to get into the middle of negotiating or opening discussions up, but I want to know for myself whether or not, in my mind and in my set of personal values, if things were handled in a way—without reopening some of the issues, knowing what we know now—that is the most expedient and to the highest moral standards as to how we should treat one another?

Ms. WASSERMAN SCHULTZ. Mr. Aderholt and I will talk about how we might approach a hearing like that. Thank you for the suggestion.

Mr. Cole.

Mr. COLE. Thank you, Madam Chair.

PREVENTION AND EDUCATION

Mr. Aderholt gave a description of the 100 or so employment dispute cases that you have had to deal with or probably a fallout category, in terms of categories. When you look at it broadly, were these things that could have been avoided for the most part?

I guess what I'm trying to get is, I'm trying to remember through the haze of my orientation, what we were actually told. We now have a fairly considerable body of experience, and certainly chiefs of staff and probably Members themselves ought to think about before you stumble into a problem that is always a challenging problem to work through at the end of the day.

So given that, are there things that we ought to be doing as an institution or as individual Members so these problems don't get to you in the first place?

Ms. CHRISLER. Sure. That is what the focus of our education and outreach programs is all about. It is educating, reaching out to Member offices and employing offices so we can share with you best practices, so we can share with you and educate on where a violation might exist so you can prevent it, because we certainly believe that prevention is going to save money in the long run. And everyone wants to do that.

So one of the major focuses that we will be—we have a new strategic plan that we are going to be developing come the beginning of fiscal year 2010. And one of the major focuses of that plan will be increasing our education and outreach efforts and educating the Member offices and employing offices so that we can prevent a lot of the hazards, a lot of the workplace differences.

Sometimes it is just miscommunication. Sometimes it is not knowing what the responsibilities are or the rights are under the statute, and that is our responsibility. That is something that we are going to be looking at.

Ms. WASSERMAN SCHULTZ. Thank you very much.

I don't have anything else.

Mr. ADERHOLT. Thank you.

ADDITIONAL ASSIGNMENT FROM THE CHAIR

Ms. WASSERMAN SCHULTZ. The homework I want to ask you for relates to the lingering health and life safety problems that we have and will have for the foreseeable future, and that I am really committed to trying to get a handle on and take a bite out of every fiscal year that goes by. And both you and the Architect of the Capitol have testified that these are problems that will take years and large amounts of funding to address.

But before you can solve a problem, you need a complete and total picture of what the problem is. So if you can please submit a brief report by Friday, May 8, describing the Office of Compliance's view on the current scope of those problems and the level of effort that would be required to fully address them. Please include in the report a brief explanation of the number of infrastructure citations currently on the books, as well as the number of infrastructure citations as dated today.

With that, thank you to everyone for coming today. The subcommittee stands in recess until tomorrow, April 29, at 1:30, when we will hear from the Library of Congress and Open World, on their fiscal year 2010 budget requests.

advancing safety, health, and workplace rights in the legislative branch

Office of Compliance

May 8, 2009

The Honorable Debbie Wasserman Schultz
Chairman
House Appropriations Subcommittee
on the Legislative Branch
United States House of Representatives
The Capitol, H-147
Washington, DC 20515

Dear Ms. Wasserman Schultz:

I am writing in response to the "Homework" that you assigned us during the April 27th hearing before the House Appropriations Subcommittee on the Legislative Branch, as well as in response to Mr. Aderholt's question regarding the Office of Compliance's caseload. You noted that the Capitol Complex has a significant number of lingering health and safety problems, and asked the following:

> Please submit a brief report describing the Office of Compliance's view on the current scope of these problems and the level of effort that will be required to fully address them. Please include in the report a brief explanation of the number of infrastructure citations currently on the books as well as the number of infrastructure citations abated to date.

Current and Abated Infrastructure Citations (to date):

To date, the Office of Compliance (OOC) has issued 23 citations concerning significant infrastructure issues affecting the Capitol Complex. Twelve of these citations have been abated. Eleven citations remain open. We expect that two of these open citations will be fully abated in the near future (Citation 20 – Rayburn HOB fire doors and Citation 57 – lead in LOC drinking water). Accordingly, we do not expect that substantial additional resources will be required to abate these two citations. Another two open citations concern the Capitol Power Plant Utility Tunnels (Citations 24 and 59); their resolution is subject to the Settlement Agreement between our Office and the Architect of the Capitol (AOC). What follows is a discussion of the remaining seven citations plus two additional major infrastructure issues.

Significant Infrastructure Issues:

1. **Citation 16: United States Capitol (issued March 2000)** – *The Capitol was cited for containing unenclosed exit stairways. Because the stairways are not protected from fire or smoke and toxic gas infiltration, occupants of the Capitol's upper floors are at greater*

risk. Exit travel distances therefore do not meet OSHA standards. The Capitol contains other significant fire hazards, including dead-end space and insufficient exit capacity.

2. **Citation 17: Longworth HOB (issued March 2000)** – *The Longworth HOB was cited for containing unprotected exit pathways (e.g, unprotected exit stairs). Because the main stairways are not protected from fire or smoke and toxic gas infiltration, occupants of Longworth's upper floors are at greater risk. Exit travel distances therefore do not meet OSHA standards. Further, Longworth has inadequate exit capacity, thus compromising occupants' ability to evacuate safely in case of emergency.*

3. **Citation 18: Cannon HOB (issued March 2000)** – *The Cannon HOB was cited for containing unprotected exit stairs. Because the stairways are not protected from fire or smoke and toxic gas infiltration, occupants of Cannon's upper floors are at greater risk. Exit travel distances therefore do not meet OSHA standards. Cannon also has inadequate exit capacity, thus compromising occupants' ability to evacuate safely in case of emergency.*

4. **Citation 19: Russell SOB (issued March 2000)** – *Like the Cannon Building, whose design is very similar, the Russell SOB was cited for containing unprotected exit stairways. Because the stairways are not protected from fire or smoke and toxic gas infiltration, occupants of Russell's upper floors are at greater risk. Exit travel distances therefore do not meet OSHA standards. Russell also has inadequate exit capacity, thus compromising occupants' ability to evacuate safely in case of emergency.*

5. **Citation 30: LOC-Adams (issued March 2001)** – *The Adams building was cited for its unprotected exit pathways, including unprotected stairways. Because the stairways are not protected from fire or smoke and toxic gas infiltration, occupants of Adams' upper floors are at greater risk. Exit travel distances therefore do not meet OSHA standards. Adams also has inadequate exit capacity, thus compromising occupants' ability to evacuate safely in case of emergency.*

   Citation 30 also noted that the Adams building contained vertical openings in the floors of the book stacks – a significant fire hazard. This hazard has been abated by the AOC.

6. **Citation 31: LOC-Jefferson (issued March 2001)** – *The Jefferson Building was cited for containing several egress deficiencies, including unprotected exit stairways, inoperable fire doors, and vertical openings in the floors of the book stacks. Because the stairways are not protected from fire or smoke and toxic gas infiltration, occupants of Jefferson's upper floors are at greater risk. Exit travel distances, therefore, do not meet OSHA standards. Jefferson also has inadequate exit capacity, thus compromising occupants' ability to evacuate safely in case of emergency.*

   OOC understands that the fire-stopping of the vertical penetrations in the book stacks is nearing completion. The AOC has also completed maintenance of all the fire doors within Jefferson and continues to monitor the doors to ensure that they function as designed.

7. **Citation 29: LOC – Jefferson, Madison, Adams (issued March 2001)** -- *The LOC Buildings were cited because the book conveyor system penetrates vertical fire barriers, thus permitting smoke and toxic gases to infiltrate the buildings. Occupants of the upper levels are especially vulnerable.*

8. **Inspection # OSH-0811: Capitol Power Plant** – *The OOC was asked to investigate a September 2008 electrical explosion at the Capitol Power Plant. Our investigation revealed that much of the Plant's infrastructure has exceeded its operational life or will do so shortly. The AOC plans to implement a new preventive maintenance program to ensure that critical infrastructure (water chillers and boilers for campus-wide climate control, high voltage equipment, etc.) continues to function properly. Given the age of these devices, it is not clear to the OOC how long they can remain in service even with aggressive preventive maintenance programs in place.*

9. **Deferred Maintenance:** *The OOC has found a number of safety and health hazards that arise principally from deferred maintenance. These hazards range from the life-threatening conditions in the Capitol Power Plant utility tunnels* ***(Citations 24 and 59)*** *-- which are being corrected pursuant to the Settlement Agreement between the AOC and the OOC – to deteriorating asbestos tile in certain LOC facilities, to complaints about poor air quality in legislative branch buildings. While not complete, this list is meant to highlight the health and safety implications of the deferred maintenance backlog identified by the AOC. The OOC anticipates continuing discussions with the AOC as hazards of this sort come to light.*

Discussion:

We recognize that the projects described above present many challenges. These projects are designed to correct critical safety and health hazards that confront Members, employees and visitors. The buildings affected are historic structures with powerful symbolic importance that must simultaneously accommodate ongoing legislative work, supporting services, and visitor access. And, of course, securing adequate funding given many competing demands is always a knotty problem. These factors complicate the OOC's already-difficult task of evaluating the effectiveness of hazard abatement proposals offered by the AOC.

The AOC's task is more challenging still. While (in this context) the OOC is charged "only" with enforcing the safety and health protections of the Congressional Accountability Act, the AOC also must consider other priorities: building maintenance, historic preservation, initiatives such as "Green the Capitol," and many more.

In light of these many important and sometimes-conflicting missions, it is difficult to answer with specificity the Chair's request for "the level of effort that will be required to fully address" the longstanding health and safety problems in the legislative branch. Accordingly, we outline below the approach that our Office is pursuing to evaluate this complex matter. This assessment is ongoing and entails close cooperation with the AOC and other stakeholders, as well as continuing consultations with our Appropriations and Oversight Committees.

Given the time and expense of permanently abating the infrastructure hazards listed above, a comprehensive risk analysis is needed. We will work closely with the AOC to identify projects

where temporary adjustments can minimize life safety risks until permanent structural corrections can be made. Together, our offices have begun by pinpointing interim measures for the House Page School in the Thomas Jefferson Building. Those measures are designed to ensure that students and faculty have evacuation routes that minimize the risk of injury until an enclosed exit stairway is constructed. We will continue to work with the AOC to identify other infrastructure hazards whose risks can be reduced by interim abatement measures.

We are also examining AOC's fire prevention programs, which include the installation of sprinklers in legislative branch facilities. Fire prevention is particularly important in historic structures, where repair or replacement is difficult if not impossible. These programs reduce but cannot eliminate the risk that a fire may occur. Accordingly, to protect lives, it is essential to correct permanently hazards such as inadequate exit capacity, stairways not protected from fire and smoke infiltration and the like.

Effective interim measures may not be feasible in every facility. Even the best fire prevention programs cannot guarantee safe evacuation from a structurally-deficient building in case of fire. Significant, permanent alterations to existing facilities will be required in order to ensure that Capitol Complex occupants may escape a fire safely. No credible risk analysis can overlook these facts. We look forward to continued cooperation with the AOC, the Committees and other stakeholders to develop an analysis that accounts for these and all other relevant concerns.

OOC Current Caseload as of April 28, 2009

With respect to the OOC's mediation and hearing program, there are currently 10 open cases in counseling, 41 open cases in mediation, 4 open cases pending at the hearing stage, and 3 open cases pending before the Board of Directors at the appellate stage. With respect to our safety and health program, there are 27 open requestor-initiated inspection OSH cases, 17 open OSH citations (as referenced above), 7 open labor management relations cases, 1 ADA case, 1 complaint (Utility Tunnels), 5 open technical assistance matters, and approximately 6,500 open hazard findings.

Respectfully Submitted,

Tamara E Chrisler

Tamara Chrisler
Executive Director

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WEDNESDAY, APRIL 29, 2009.

LIBRARY OF CONGRESS

WITNESSES

DR. JAMES H. BILLINGTON, THE LIBRARIAN OF CONGRESS, LIBRARY OF CONGRESS
JO ANN C. JENKINS, CHIEF OPERATING OFFICER, LIBRARY OF CONGRESS
ELIZABETH R. SCHEFFLER, CHIEF OF OPERATIONS, COPYRIGHT OFFICE, LIBRARY OF CONGRESS
DANIEL P. MULHOLLAN, DIRECTOR, CONGRESSIONAL RESEARCH SERVICE, LIBRARY OF CONGRESS
DEANNA MARCUM, ASSOCIATE LIBRARIAN FOR LIBRARY SERVICES, LIBRARY OF CONGRESS
LAURA CAMPBELL, ASSOCIATE LIBRARIAN FOR STRATEGIC INITIATIVES, LIBRARY OF CONGRESS
DONNA SCHEEDER, ACTING LAW LIBRARIAN, LIBRARY OF CONGRESS
KURT CYLKE, DIRECTOR, NATIONAL LIBRARY SERVICE FOR THE BLIND AND PHYSICALLY HANDICAPPED, LIBRARY OF CONGRESS
JEFFREY PAGE, CHIEF FINANCIAL OFFICER, LIBRARY OF CONGRESS
KATHLEEN OTT, EXECUTIVE DIRECTOR, CONGRESSIONAL RELATIONS OFFICE, LIBRARY OF CONGRESS
MARY J. KLUTTS, BUDGET OFFICER, LIBRARY OF CONGRESS
NANCY EICHACKER, BUDGET FORMULATION COORDINATOR, LIBRARY OF CONGRESS

OPENING REMARKS—CHAIR WASSERMAN SCHULTZ

Ms. WASSERMAN SCHULTZ. Good afternoon. I would like to call this meeting of the Legislative Branch Subcommittee on the House Committee on Appropriations to order. This afternoon we will hear from the Librarian of Congress, Dr. James Billington, both on the Library's budget request as well as the request for the Open World Leadership Center. We will also hear from Ambassador John O'Keefe, the Executive Director of the Open World Leadership Center.

Dr. Billington, it is wonderful to be here with you once again. Thank you very much for all the work that you do. The Library is an absolute jewel in the crown of the Congress and our best foot forward, in my opinion, of the democracy that we represent and the information that we have made accessible through your efforts and your vision to the entire world. It is just absolutely incredible.

I know you have asked for a $658 million appropriations request for 2010. If you adjust for the transfer of the Library police officers to the Capitol Police, we are at about a 10 percent increase over the comparable amount for the current year. That would, if approved, result in about a $100 million increase over 2 years.

We were able to do quite a bit to address the needs of the Library in fiscal year 2009, and we are quite proud of that. I don't

imagine that we are going to be able to do quite as much this fiscal year, and so it would be helpful if you identify your main priorities. I know your technology initiative is one of those priorities. So I look forward to hearing about that. But I know you have life safety issues that you need addressed and, quite frankly, when we get to the Open World portion, because you have competing priorities, we are going to need to examine what those are as it relates to Open World as well.

So with that, Mr. Aderholt.

OPENING REMARKS—MR. ADERHOLT

Mr. ADERHOLT. Well, thank you, Madam Chair. Thank you, Dr. Billington, for being here and everybody from the Library of Congress for your dedication to the Library and all that you do. And again we want to thank you for the tour that we had back a few weeks ago. That was very helpful. So we thank you for all that you do.

So I look forward to hearing your testimony this afternoon. Thank you.

Ms. WASSERMAN SCHULTZ. Dr. Billington, your full statement will be entered into the record and you can proceed with a 5-minute summary.

OPENING STATEMENT OF THE LIBRARIAN

Dr. BILLINGTON. Thank you, Madam Chair. It is an honor to be here, Madam Chair and Mr. Aderholt and members of the subcommittee, to present to you the fiscal 2010 budget request.

I want to first of all thank you again, Madam Chair, for your active interest in and support of the Library. For complete funding of the 2009 budget, we are particularly grateful. We are honored also that you chose to be sworn in this year with a Bible from our collection, the first Bible printed in Hebrew in the United States in 1814.

Mr. Aderholt, we appreciated very much the time you spent with the curators and staff this last month. We look forward to working with you and with all of the members of the subcommittee. We had the privilege of meeting all the others here as well. So we really look forward to it.

Now in fiscal 2010 we are requesting actually an increase of 8.1 percent, of which 4.6 percent represents funding for mandatory pay and price level increases. 0.4 percent is for discrete investments necessary to sustain continuing projects, and the remaining 3.1 percent will support a critical investment in updating and enhancing the Library's technical infrastructure. That is the major new element that we are presenting today.

TECHNOLOGY INFRASTRUCTURE REQUIREMENTS

We have moved from traditional business systems of personnel, finance, cataloging, and management of information systems to an environment where we now take in and are managing fast-changing digital formats that include e-journals, e-books, digital TV, websites, digital images, digital audio and video, and the like, even whole broadcasts from the web.

Each of our program areas—CRS, Library Services, the Law Library, the Office of Strategic Initiatives, and the Copyright Office—must now deal with all aspects of digital works: acquiring, preserving, and providing access to them. Over the past 15 years, separate systems have been built to meet these individual program needs as they have emerged and been identified. The Library has been very successful in delivering the new services Congress and the American people have asked of us. Some of the systems are new, like the Copyright Office's online registration system. Others rely on what has become very dated technology.

The Library has not sought any increase in base funding for technological infrastructure since the year 2000. We now have a pressing need to modernize our underlying Library technology infrastructure so that we support our diverse and vastly increased digital activity more efficiently, and with more unified library-wide systems that can be adjusted and scaled up economically to sustain services and meet new user demands as technology changes. Scalability, in other words, is an important component.

We are now providing far more services, and I say far more services, with 1,000 less FTEs than we had in 1992, when we had barely begun the Library's digital transformation. Our entire technology request builds upon successful results achieved and unique experience gained with the variety of our digital initiatives.

We are now poised to develop core infrastructures that can be used by all parts of the Library. The launch last week with UNESCO of our World Digital Library, to extraordinary international acclaim, with 20 million page views in its first 4 days online and with something from all 192 countries in UNESCO, is proving to be a useful catalyst for building a new technological platform with reusable, scalable, and multimedial components.

FT. MEADE

In conclusion, Madam Chair, let me highlight our Ft. Meade request. Having the space to store so much of America's creativity and of the world's knowledge in environmentally controlled facilities is critical to sustaining the historic mission of the Library. The Ft. Meade program, already 8 years behind schedule, has achieved 100 percent retrievability and is essential for preserving and making accessible our uniquely comprehensive collections for the Congress and the Nation.

The Library of Congress is the Nation's oldest cultural institution. It is a unique trove of information, knowledge, and creativity. Today, when technology is transforming the way knowledge is generated and how we deliver our services to Congress and the Nation, the Library is renewing and expanding its role in our knowledge-based democracy, as you indicated in your opening remarks.

We look forward to working with this committee to craft a budget for fiscal 2010, and I thank you and the Congress for continuing to be the greatest single patron of the Library—of any library in the history of the world.

[The statements of Dr. Billington, Mr. Mulhollan, and Ms. Peters follow:]

Statement of Dr. James Billington
The Librarian of Congress
before the
Subcommittee on the Legislative Branch
Committee on Appropriations
U.S. House of Representatives
Fiscal 2010 Budget Request
April 29, 2009

Madam Chair, Mr. Aderholt, and Members of the Subcommittee:

I am pleased to present the Library of Congress fiscal 2010 budget request.

Madam Chair, I am deeply grateful to you and the subcommittee for your full support of our fiscal 2009 request. It has heartened and strengthened us at what we know is a time of extraordinary fiscal pressures on the federal government. In such a time, I feel a special obligation to stress the importance of what the Library of Congress is doing for America's future.

The Congress of the United States has been, quite simply, the greatest patron of a library in the history of the world. Its creation, the Library of Congress, is the largest and most diverse collection in human history of the world's knowledge in all languages and of the intellectual and artistic creativity of the American people in all its major recorded formats.

The Library's historic mission has been to serve the Congress and the American people by acquiring, preserving and making accessible its unique material and human resources. Its major challenge–and opportunity–in recent years has been to sustain and extend that mission amidst one of the greatest revolutions in history in how knowledge is generated and communicated.

Our task has been, in effect, to superimpose new digital processes and services onto those of traditional artifactual library processes–while preserving and exemplifying the human values of the older book culture that helped create the free, open and knowledge-based democracy that we serve. In the course of meeting this challenge, we have undertaken a far greater range and volume of innovative processes and services than ever before with one thousand less FTEs than in our peak pre-digital year of 1992.

Congressional vision and support has made it possible to continue to add important new acquisitions and to sustain unique preservation activities. Thanks to the Congress' building a direct passageway from the Capitol Visitor Center into the Thomas Jefferson Building, we have greatly increased numbers of visitors to see an entire new series of interactive exhibits culminating in the centerpiece of the Lincoln bicentennial that displays for the first time in 50 years the key original documents of Lincoln's presidency in his own hand. We were glad to welcome the creation of a Library of

Congress Caucus in the course of 2008. And we are pleased to note the steady increase of the use of the Members Room and other Library facilities now that the tunnel directly connects the Library to the Capitol Visitor Center and to the Capitol itself.

Thanks to Congressional support and the unprecedented generosity of David Packard and the Packard Humanities Institute, the magnificent new Packard Campus for Audio Visual Conservation in Culpeper, Virginia is now up and running under its outstanding new director, Patrick Loughney. The Packard Campus is, in essence, a high-capacity digital preservation facility for our massive and largely perishable audio and film collections. We are now able to save many collections that would otherwise have deteriorated and been lost forever.

We are now in the process of hiring 39 new staff, and the Packard Campus is well-launched. The film preservation lab is operational and digital preservation of sound recordings, television, and radio broadcasts preservation work has started.

I am pleased to report that our National Library Service for the Blind and Physically Handicapped is on schedule with the Digital Talking Book program. We have received the first five thousand machines and are sending them to eight regional libraries for user testing. We will also send the first book cartridges to these regional libraries next week.

On April 21, 2009, the Library, in cooperation with UNESCO, launched our new World Digital Library. Within hours of going online, this multilingual and multi-medial site had attracted 600 thousand visits and more than 7 million page views. Our National Digital Library/American Memory site also began with a relatively small number of high quality, one-of-a-kind cultural treasures but has now steadily grown to more than 15 million online primary source files with educational enhancements.

Fiscal 2010 Budget Request

We are requesting a total fiscal 2010 budget of $699.4 million, representing a $52.6 million or 8.1 percent increase over fiscal 2009 funding levels. The majority of this increase represents funding for mandatory pay and price level increases totaling $29.8 million or 4.6 percent. Funding adjustments to support ongoing projects, totaling $16.6 million, and non-recurring funding for projects that are ending (-$13.7 million), represent a total of $2.9 million or 0.4 percent. The remaining 3.1 percent or $20 million represents the focus of our fiscal 2010 budget request, seeking support for investment in the Library's technical infrastructure.

Modernizing the Aging Technology Infrastructure - $20 million

Infrastructure - $15.4 million

The mandatory pay and price level increases are critical for keeping the Library whole, but our highest programmatic funding priority in fiscal 2010 is an increase in base

funding to update and enhance the Library's technology infrastructure, upon which the progress of all service units of the Library depends. The Library requests $15.4 million to modernize our technology. This investment will fund: core technology, content management, and content delivery—three areas that are inextricably linked. We need an updated technology infrastructure before we can construct a foundation for bringing digital content into the Library, managing it so that it can be used by the Congress and the American people, and preserving it for future generations.

Up until now, the Library has benefited from a centralized catalog of print holdings, but the digital projects have been designed and maintained separately. This is entirely understandable in a time of experimentation and transition, but at this stage of our digital maturation, we are now poised to develop core infrastructure that is used by all parts of the Library, and to implement flexible, scalable systems that meet the broad needs of the institution. The launch of the World Digital Library has proven to be a useful catalyst for the development of a new technology platform with reusable and scalable components. This modern form of technical infrastructure will allow us to streamline and make more efficient our workflows and processes throughout the Library.

The 21st century Library is increasingly multi-medial. Our budget request will allow the Library to build sustainable systems to manage digital content of many varieties: video, audio, text, and images. Such technical systems will allow us to manage all of these formats in more cost-efficient, integrated ways. The funding we are requesting will also allow us to make these multi-media materials available to the Congress and other users in the ways they now expect: fast, convenient, and easy-to-use.

Legislative Information System - $1.6 million

One of the Library's key means of providing information to the Congress is through the Legislative Information System (LIS), which was first made available in the 105th Congress. This system provides Members and their staff with on line access to the most current and comprehensive legislative information. The LIS has been developed under the direction of the House Committee on House Administration and the Senate Committee on Rules and Administration. It has been a collaborative project of several legislative branch offices and agencies. CRS has responsibility for overall coordination of the retrieval system. The Library is responsible for its technical development and operation.

We are requesting a one-time investment of $1.6 million to update the current LIS so that it can meet growing demands. The new concept of operations will be based on a thorough assessment of the current system and develop an architecture that provides enhancements for users to better perform discovery, navigation, and retrieval across the entire spectrum of legislative content. The new system will take a modular approach to functions such as search and storage, so that they can be independently improved in the future. The Library will reconfigure LIS in consultation with House, Senate, Government Printing Office and CRS data providers.

Targeted User Interactivity - $3 million

Finally, we request an investment of $3 million to support the broad expansion of public access to the Library's collections and services on-site and online through the testing, evaluation, and adoption of emerging new technologies for the K-12 and teacher communities. Successful implementation of the Library of Congress Experience in the Thomas Jefferson Building has dramatically increased public awareness and unleashed the educational potential of the Library and its collections through the creative application of new interactive programs. Visitorship is up nearly 30 percent since its initial launch in April of 2008.

Improving Access, Capabilities, and Services

Over the past six months, the Congressional Research Service has shown its exceptional capacity to serve the Congress under extraordinary and time-sensitive conditions. It provided comprehensive analysis and legislative support during the financial crisis, the auto industry crisis, the fiscal 2009 appropriations bill and the fiscal 2010 budget resolution. It produced more than 100 reports for the American Recovery and Reinvestment Act of 2009 alone. This year it has identified more than 170 active issues for which it will support Congress in every step of the legislative process.

We ask for $1.8 million to enhance access to Congressional Research Service (CRS) expertise by modernizing the technical environment that supports it. These systems govern how CRS manages and supports its research operations, personnel systems, and the systems used to run, maintain, and update the CRS web site for Congress. An additional $500 thousand is requested to purchase network storage and switch hardware to improve the IT and emergency backup capability of CRS.

The renewed LIS will also benefit the public THOMAS system. To continue to meet the public's need for legislative information, we request $138 thousand to hire a web site manager who will develop a user interface and an improved navigation system for THOMAS users. The THOMAS site has seen a steady increase of inquiries from your constituents, and it is important that we make this web site more user friendly.

We request a one-time $1.1 million increase in offsetting collections authority for the Copyright Licensing Division so that we can secure consulting services to help us convert from a manual to an electronic filing process. Electronic filing is needed to maintain reasonable operating costs in future years and to minimize increases that would be unacceptable to the Congress, copyright owners, and cable system operators.

The Library is requesting $2.7 million to expand the availability and usefulness of legal materials collected and stored in the Global Legal Information Network (GLIN), a database of more than 160 thousand laws and related legal materials from 51 jurisdictions in Africa, Asia, Europe, and the Americas. In fiscal 2005, the Law Library launched a major upgrade of the GLIN system that vastly improved functionality and usability, including providing access in 13 different languages. GLIN has since attracted a global

audience that has increased tenfold, exceeding its performance target by 800 percent. As the system has improved, new jurisdictions have become members, the size of the database has increased, and the level of use continues to expand. This funding is specifically requested over a five-year period, to upgrade and refresh the hardware and software to sustain GLIN operations as the program continues to expand in content, usage, and membership. This funding will also further the Law Library's mission to support the foreign law research needs of the Congress, promote the rule of law between and among nations, and support the legal information needs of emerging democracies. The Law Library has created a private GLIN Foundation and will work to attract private financing over the long term. This request will cover the hosting and maintenance of GLIN to ensure the continuity of operations as new members join.

Reengineering Work Processes in Library Services

The Library staff increasingly relies on more current technologies to perform the new tasks that are required of them. We are assessing all of the workflows and processes to make the most effective use of present and emerging technologies. For Library Services (LS), where our core library functions are carried out, we are requesting $1 million in contractual support for a three-year project to document and evaluate operational procedures and information technologies (IT) currently used in the 52 divisions of LS. We anticipate many opportunities to consolidate technology services within LS to create a more robust and integrated architecture and workflows. We will determine which data systems and services should be provided within LS and which should be provided centrally by the Library's Information Technology Services (ITS).

Managing and Securing Collections

We request $1 million to continue the inventory management program that was initiated in fiscal 2002 as a cornerstone of the Library's Strategic Collections Security Plan, when Congress directed the Library to conduct an item-level inventory of its general collections. We have made reasonably good progress with that inventory; however, when we began moving general collections to Ft. Meade, we quickly recognized that our most important inventory goal had to be the effective retrieval of materials moved there. Happily, we have achieved a 100 percent success rate in retrieving requested items from that location. Now, as we return to the original objective of conducting an item-level inventory of our general collections, we are working with the commercial sector to explore new technology options for this process. Some of these practices are already in place at Ft. Meade. The scope of this effort is unprecedented. We are grateful for Congressional attention and support for this large and complex endeavor.

To ensure that the Library's heritage assets are preserved for use by current and future generations, we are asking for $3.6 million in start up and new operational costs for Ft. Meade Storage Modules 3 and 4, which will house our special collections. This kind of housing for the Library's special collections is crucial to the Library's long-term strategy to provide for their security and preservation, as well as to provide sound space

management and inventory management. This relocation will dramatically increase the life expectancy of these vulnerable collections.

The operation of Modules 3 and 4 will be more intensive and expensive than the implementation of Modules 1 and 2, involving the expense of new hardware and software, collections protection and preservation, moving, on-site support staff, and facility management, largely because we are moving special format materials to Modules 3 and 4, while Modules 1 and 2 house general collections. This year the Library is absorbing some costs associated with the opening of Modules 3 and 4. Base funding is needed in fiscal 2010 for start-up and operational costs that will allow the Library to meet requirements in the areas of security, preservation, space management, and inventory management. With your support, we also will be able to conduct construction planning for Module 5 and prepare facility designs for Modules 6 and 7. The Architect of the Capitol has included $16 million in fiscal 2010 request for construction of Storage Module 5, which will help alleviate overcrowding on Capitol Hill and address serious concerns about safety, retrieval, and preservation.

The construction of storage modules at Ft. Meade has been one of the more significant preservation advances for the Library in decades. In short, this program has ensured that the Library of Congress remains the mint record of America's creativity by allowing continued acquisition of America's creative output and providing optimal storage conditions for our existing works.

Additional Requirements

We are also asking for $238 thousand for collections security on Capitol Hill, for extended reading room security guard services. Other requested funding includes $2 million for the final increment of mandated funding for Capital Security Cost Sharing, $2 million for modernized, environmentally friendly custodial services, $300 thousand for facility design services for more complex renovations, and $334 thousand for escape hoods for the visiting public.

Conclusion

Madam Chair, I recognize that difficult choices are necessary in this economic climate. The Library has already recognized the need to sustain our core functions with level or reduced resources. We believe that the key to continued success is to make more effective use of technology. The $52.6 million we are requesting is an investment to ensure that the Library stays current with the new technology in today's Internet-based world while we continue to maintain traditional services. With your support, the Library will continue to perform its historic mission to make its resources available and useful to the Congress and the American people and to sustain and preserve the world's most extensive collection of knowledge and creativity for future generations. I believe that, with the careful investments I have outlined, the Library will continue, renew, and expand its role in our knowledge-based democracy—today and in the days to come. Thank you.

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 2010 Budget Request
April 29, 2009

Madam Chair, Mr. Aderholdt, and Members of the Subcommittee:

Thank you for the opportunity to present the fiscal year 2010 budget request for the Congressional Research Service (CRS). I would also like to highlight some of the actions and new initiatives undertaken recently that we consider essential elements in fulfilling the mission that Congress established for this agency. But before I discuss our request for next year, I would like to spend a few minutes on the importance of the mission of CRS and to relate that mission to the current challenges facing the Congress.

You, as Members of Congress, are required to resolve issues that are growing more complex and technical and that are becoming increasingly interrelated in both expected and unforeseen ways. This complexity necessitates increased reliance on technical competence, which in turn demands predictability and coherence in issue areas from disciplines that traditionally have been more reliant on projections and probability. But whether determining the impact of changes in financial market regulations, ascertaining a method for equitable state allocations for federal Medicaid payments, or examining a proposal to balance interests in a contentious region of the world, the well-being of millions of Americans is at stake if data and analysis do not accurately predict actual outcomes.

The elected representatives of the people are able to rely on the expertise of CRS. Our work must be authoritative, objective and confidential, and we must offer just what our charter statute instructs us to do, namely, to anticipate the consequences of alternative proposals and in doing so, foresee unintended consequences.

Anticipating the consequences of proposals is becoming ever more difficult. The increased complexity of the problems facing Congress is obvious. Just look at the array of financial instruments that Members must understand and grasp with sufficient confidence to create a regulatory regime that maximizes the benefits of innovation and market competition while curtailing fraud and abuse. Members must rely on specialists in the financial markets, just as they must rely on foreign relations specialists with regional expertise to recognize the political and cultural forces at work in the world today, and health finance experts and health care specialists to understand the factors contributing to growing health care costs.

Congress's reliance on the expertise of others presents a potential risk to representative democracy. Citizens elect Members of the House and Senate to represent their interests and the interests of the nation as a whole. In effect, your constituents ask you to make decisions on the merits of one form of weaponry over another; on the fairest and most economically sound way to allocate broadband width; on the balance of economic, human rights, labor and environmental interests in a bilateral trade agreement; and on the best investment in alternative energy technologies. No matter how brilliant and wide-ranging the experience of each Member of Congress, he or she must perforce rely on the expertise of others on a whole range of issues to ascertain the best policy course given his or her values and priorities.

Democratic theorists have raised the specter of the polity being run by technocrats and elite bureaucracies that supplant the people's voice and choice in determining the best course in an increasingly complex world. I would submit that an important protection against that vision is the expertise resident within CRS. The Congress has placed a significant investment in the competency and integrity of CRS staff. Members of Congress have all sorts of experts approaching them daily, and they have, of course, hired personal and committee staff with selected expertise or experience. Nonetheless, Members know and rely on Service expertise, not only to assess independently the outside expert opinions advocated before them, but also to complement their own experience and knowledge, and that of their staff, to ensure that the judgments they make are as well informed as possible.

When Members turn to CRS, they can be assured that analysis they receive is authoritative, objective, and confidential. We do not advocate. We make methodologies and sources clear, and we hold legislative needs paramount, including the role of each individual Member in the deliberative processes of the Congress. The Congress's continued investment in CRS is tacit recognition of the need for expertise skilled in multiple disciplines in order that they understand the interactions and consequences of complex issues. The Congress also recognizes its need to have access to expertise that is solely devoted to creating sound underpinnings to inform judgments within the legislative branch.

Fiscal Year 2010 Budget Request

The CRS budget request for fiscal year 2010 is $115,136,000, with almost 90 percent devoted to pay and benefits for our staff. Significant cost-cutting measures were required in the last fiscal year because the enacted budget was over $6 million less than requested. This necessitated a reduction in our workforce from the previous FTE level of 705 to the current level of 675. This is the lowest staff level in three decades, and CRS will continue to operate with a reduced level of internal support staff and services to sustain our analytic capacity. The lower budget also required reductions in the access to research materials and in the investment in information technology. The current budget constrains funding to support basic operational needs. Therefore it is necessary to request

additional funding to continue to meet congressional expectations for enhanced means of accessing information.

The budget request for fiscal year 2010 includes the mandatory pay increases and price-level increases due to inflation that will maintain the existing level of service. It also requests two program increases totaling $2.3 million that will enhance the analysis available to Congress and the capabilities of the supporting information technology. This investment supports our goal to provide the Congress with faster access to CRS analysis and expertise as well as the resources underlying the analysis. This additional funding will be a key element in our effort to provide fully integrated access via a redesigned website to the full set of CRS resources relevant to any policy area examined by congressional Members and staff. Enhancements will include improved searching and browsing capabilities, ready access to the full range of CRS resources related to search results, and subscription and customization options that will personalize and make more relevant a user's experience on the website.

Included in the $2.3 million request is $1.8 million for a modernization effort to achieve three objectives: (1) improve the quality and usability of the CRS website; (2) reconstruct and standardize Service-wide systems and information resources to form an integrated, interrelated, and interoperable research environment; and (3) revise the way CRS procures, stores, updates, retrieves, and shares the large, multiple, and complex data sets and information systems used in the creation of its analysis. The remaining $500,000 will support three other objectives: (1) provide real-time computer network fault tolerance, data redundancy, and automated fail-over capability in the event the computer network in the James Madison Building is inoperative; (2) increase network speeds to the Alternative Computer Facility and improve performance of critical applications and file transfers, which will reduce the time required to save files and run applications; and (3) increase computer storage capacity to help meet the growing demand to store CRS work products and research information, encompassing the full range of multimedia formats such as video, audio, and podcasts.

Alignment with the Congress

CRS takes full advantage of its close relationship with the Congress to align its work with evolving congressional needs across the full spectrum of policy concerns that are on the legislative agenda, or are likely to arise.

CRS works in a consultative relationship with Congress so that specific congressional needs are recognized as they relate to evolving circumstances, including changes in world events, advances in government operations, and developments in legislative processes. Members and committees of Congress and their staffs maintain continuing, on-demand access to CRS experts through phone calls, e-mails, personal briefings, confidential CRS memoranda, and by consulting actively maintained CRS research products on our website.

Based on its daily work with the Congress, CRS identifies and analyzes the policy areas in which Congress is actively engaged or is very likely to become engaged. CRS typically identifies between 150 and 175 such issue areas. CRS ensures that it has identified all major issues that might receive legislative attention through discussions with leadership on both sides of the aisle in both chambers. CRS support for these policy areas entails formation of teams of experts who develop common understandings of major policy questions and concerns to ensure that our service for the Congress is fully informed by the most appropriate CRS expertise across disciplines and subject areas. The CRS web site provides ready access to key research products and services in each of these policy areas.

Support for the Congress

Over the past year, the Congress has consistently turned to CRS when in need of expert, objective assistance as it has addressed extraordinarily challenging and enduring problems.

The financial and economic crisis that still dominates domestic and global settings has been the focus of intensive, continuing CRS support for Congress. In this area, congressional concerns that have driven the work of CRS experts include: limiting damage from the disorder in housing markets; restoring functionality to mortgage markets and credit markets generally; ensuring viability of financial institutions and their return to standard business operations; assessing impacts on other credit-sensitive sectors such as autos, home furnishings, and the pursuit of higher education; recognizing structural shifts in the economy accelerated by the downturn; as well as assisting victims of the recession, and mitigating the downturn through oversight and regulatory provisions that will limit the recurrence of destabilizing financial excesses. CRS economists, legislative attorneys, and specialists in American national government, among others, have analyzed a range of proposals from the previous and current administrations, examined actions in other countries, and assisted in assessing evolving economic developments and in identifying and evaluating legislative options. Questions CRS has addressed relate to concerns such as feasibility, effectiveness, constitutionality, unintended consequences, separation of powers, and federalism issues – all in a context of largely unprecedented circumstances.

Other major policy areas facing Congress have also commanded multi-disciplinary support from CRS experts, often on a confidential basis, and with the need for objectivity and independence from executive branch and outside interests. Notable examples of continuing, expert support relate to congressional efforts to ensure appropriate and effective U.S. engagement in Iraq, Afghanistan, Iran, and the broader Middle East; provide for emergency responses to Midwest flooding and Gulf-coast and Mid-Atlantic hurricanes and mitigate needs for future disaster responses; meet energy needs of the Nation with due consideration for both environmental imperatives and ongoing functions of the economy; improve the safety of food, drugs, and other products

for American consumers; and limit undue influence of special interests in making and executing policy.

Management Initiatives

The past year saw several successful initiatives aimed at making CRS a more efficient and effective organization and enhancing its value to the Congress.

Section Research Managers

During the past year, CRS revamped its first-line management structure, hiring section research managers and integrating them into the management of the organization. They are working to ensure that the Service stays aligned to the legislative challenges facing the Congress through collaboration, multi-disciplinary research and analysis, and by fostering an energetic work environment. They have already succeeded in breaking down barriers that had at times impeded our ability to collaborate and effectively marshal our expertise. Their new thinking on ways to address issues on the legislative agenda and convey CRS's expertise to the Congress brings both immediate and long-term benefits. This corps of section research managers will also serve as a resource for management succession in CRS.

Professional Development Enhancement

CRS developed enhanced performance standards for each position in the Service, as well as performance plans and individual development plans. This large undertaking involved a Service-wide coordinated effort and is part of a commitment to developing a continuous learning culture and to engage fully every individual in his or her own professional development. At the end of 2008, 76 percent of the staff had created and received supervisor approval of their individual development plans for the year.

Authoring and Publishing Reports

CRS has implemented a new process for production and formatting of CRS research products, streamlining preparation, display, and maintenance of these products. CRS undertook this complex effort to create research products for the Congress that more efficiently support PDF and HTML distribution through the CRS website, standardize the presentation format using a uniform and consistent new product design, and facilitate more sophisticated use of graphics.

Tracking Inquiries from Congress

CRS is in the final stages of configuring a new system to track and manage congressional requests from entry to completion. This entails customizing an off-the-shelf customer relations management tool. This system, known as Mercury, will replace the outdated Inquiry Status and Information System (ISIS) and includes additional

features to increase responsiveness to congressional needs; support research management; foster collaboration among researchers; and identify Service-wide activity by issue area.

Redesign of the CRS Website

CRS has developed a multiyear, phased plan to make CRS.gov more user-friendly and ensure that Congress has ready access to the full breadth and depth of our analytical and other services. Many congressional and CRS staff provided their views on the strengths and weaknesses of the current site and ideas for enhancements. These views helped to shape our final design. The initial effort this year will begin to provide better organization of material and a more intuitive navigation of the website.

Conclusion

In making our fiscal year 2010 budget request of $115,136,000, we are mindful of the formidable challenge you face in weighing budget requests in this period of difficult economic conditions. My managers and I have and will continue to examine every activity and program for efficiencies and eliminate costs where the return on investment is in question. This budget request will provide the resources needed for the talented and dedicated staff of CRS to continue to build on the unique tradition of providing comprehensive, non-partisan, confidential, authoritative, and objective analysis to the Congress. We are proud of our role, and we thank you for your support.

Thank you.

Statement of Marybeth Peters
The Register of Copyrights
Subcommittee on Legislative Branch
House Appropriations Committee
United States House of Representatives
Fiscal 2010 Budget Request
April 29, 2009

Madam Chair, Mr. Aderholt, and other Members of the Subcommittee:

Thank you for the opportunity to present the Copyright Office's Fiscal 2010 budget request. Today I would like speak with you about some of the work and challenges the Copyright Office faced in Fiscal 2008. In addition, I would like to talk about the Office's Historic Records Project that was funded as part of the Fiscal 2009 Budget and our request for additional offsetting authority to complete our Licensing Reengineering effort, which is part of the Library's Fiscal 2010 budget request.

Highlights of Copyright Office Work

Policy and Legal Activities

On June 30, 2008, the Office presented its Report to Congress on the statutory licenses (Sections 111, 119, and 122 of the Copyright Act) that allow cable operators and satellite carriers to retransmit programming carried on over-the-broadcast television signals. The Report, which Congress had requested as part of the Satellite Home Viewer Extension and Reauthorization Act of 2004, analyzed the differences in the terms and conditions of these statutory licenses and considered their continued necessity in light of changes in the marketplace over the last thirty years. The Report has served as the starting point for continuing discussions on legislation to extend the Section 119 statutory license, which is set to expire on December 31, 2009, unless reauthorized by Congress. The Office is working with House Judiciary staff and stakeholders on proposed amendments to these licenses.

The Office has worked closely with the House Judiciary Committee, and the (former) Subcommittee on Courts, the Internet and Intellectual Property, on other pressing copyright matters. One significant issue has been orphan works, *i.e.*, the situation where a potential user cannot identify or locate the owner of copyrighted works (including literary works, photographs, motion pictures, sound recordings and other creative works). The Register testified on March 13, 2008, before the Subcommittee about the convergence of issues that had contributed to the existence of orphan works, including the relaxation of formalities such as registration and copyright notice. Subsequently, the House introduced the Orphan Works Act of 2008 (H.R. 5889), and the Senate introduced the Shawn Bentley Orphan Works Act of 2008 (S. 2913), which the Senate passed by unanimous consent on September 26, 2009. Because of several

unresolved issues in the House, the Office expects to assist the House Judiciary staff on this subject in 2009.

The Office has also worked with Judiciary Committee staff on legislation relating to the public performance right for sound recordings in Section 106 of the Copyright Act. The Performance Rights Act (H.R. 848 and S. 379), introduced in the 111th Congress, would amend the copyright law to expand the public performance right of sound recording copyright owners to include analog audio transmissions. This change would, for the first time, required over-the-air radio stations to make royalty payments to record companies and recording artists. The House Judiciary Committee held a hearing on March 10, 2009.

Another issue that the Office will be addressing in 2009 concerns the copyright treatment of pre-1972 sound recordings. The issue is complicated because these works were not eligible for Federal copyright protection before February 15, 1972; rather, they were governed by state law which, in many cases, is not well-defined. Pursuant to the Omnibus Appropriations Act of 2009, the Office has been directed by Congress to conduct a study on the desirability of, and means for, bringing sound recordings fixed before February 15, 1972, under Federal jurisdiction. The Office's report is due in March 2011.

In 2008, the Copyright Office assisted federal government agencies with a number of multilateral, regional and bilateral negotiations and served on many U.S. delegations. Notable among these meetings were meetings of the World Intellectual Property Organization's (WIPO's) General Assemblies and its Standing Committee on Copyright and Related Rights, negotiations regarding a proposed Anti-Counterfeiting Trade Agreement, and negotiations and meetings relating to intellectual property provisions of existing and proposed Free Trade Agreements. The Office also was a key advisor to the United States Trade Representative in a successful World Trade Organization (WTO) dispute settlement proceeding against China relating to intellectual property protection and enforcement in China, The Office expects to continue to play a leading role in the United States delegations to WIPO and in other multilateral and bilateral meetings and to advise other agencies of the federal government on international and domestic copyright law and policy matters.

Last year, the Office assisted the Justice Department in a number of important court cases, including some involving constitutional challenges to various provisions of the Copyright Act.

In addition to the Office's work on legal and policy issues, Fiscal 2008 was an exciting and challenging year for Copyright Office operations.

Reengineering Program

At the end of Fiscal 2007, the Copyright Office implemented its reengineering project: redesigned processes, retrained the entire staff in new operations, established new

organizations, launched a new integrated IT system to process registrations, and renovated facilities. In addition, on July 1, 2008, the online registration system Copyright Office (eCO) was released to the public through the Copyright Office website. During Fiscal 2009, we are moving steadily toward capitalizing on efficiency gains through realigned staffing, and technology system enhancements. Looking ahead we will maintain a continuous improvement initiative focused on identifying and implementing workflow and IT system improvements.

Processes

Through its continuous improvement initiative, the Office further refined the reengineered processes by examining workflows and support systems. On occasion, we adjusted and improved work processes or systems to enhance efficiencies; in some cases, we resolved unexpected issues. Throughout the year, we identified issues, developed alternative processes, tested and implemented the best options. For example, realizing that missing or incorrect fees were slowing the registration workflow, we shifted the fee resolution step to an earlier place in the registration process. This decreased the time of the registration process and evened the staff's workload.

We also examined how to improve eCO's responsiveness. By analyzing how eCO processed data, we were able to implement basic system redesigns, reducing user wait times.

Organization

At the beginning of Fiscal 2008, all staff had been reassigned to or selected for new positions and organizational units. Honoring the Register's commitment to ensure all Copyright staff had positions after reengineering, the Office continued its major program to retrain former examiners and catalogers to work in a combined position, copyright registration specialist. The registration specialists use eCO and the redesigned registration process to: examine claims, complete a registration record, and in many cases, make selections for the Library's collections. To date all registration specialists with us in August 2007 have received at least one full year of training and experience in eCO. Training began in Fiscal 2007, extended through Fiscal 2008, and concluded in February 2009. Targeted training for individual employees was also developed and is still being provided as needed. As more registration specialists completed training and achieved independence, the senior registration specialists serving as trainers were able to return to full time registration production.

During the initial implementation of reengineering, Copyright Office management announced a one-year suspension of performance requirements, permitting staff sufficient time to gain the requisite training, familiarity, and experience with the new processes and IT system In August, 2008, Office management and AFSME 2910 (the Guild) representing the affected employees signed an agreement regarding implementation and impact of the new performance requirements As agreed, written performance requirements for individual employees went into effect October 1, 2008. The

requirements, phased in following a 90-day grace period after each registration specialist reached his/her one-year anniversary working in the new system, included a productivity rate of 2.5 claims opened per hour and qualitative benchmarks. With the implementation of new performance requirements, productivity rose in the second quarter of Fiscal 2009. For all registration specialists, including those for whom the performance requirements are not yet in force, close to 75 percent are opening claims at a rate of 2 per hour or above; 52 percent are at or above the target of 2.5 per hour. For Registration Specialists who have completed training and for whom the performance requirement is in force, between 85 and 90 percent are at 2 per hour or above; almost 70 percent are at or above the target of 2.5 per hour.

Information Technology

The electronic Copyright Office system has two components: eCO Service, which supports online registration (e-Service) and enables processing of both electronic and hardcopy claim submissions; and eCO Search, which permits searching of more than twenty million registration records dating to 1978.

The Office applies the continuous improvement concept to the ongoing refinement of eCO. Earlier this year the Copyright Technology Office restructured the Copyright Office's systems oversight board. The new board is comprised of Office processing divisions' supervisors and staff. The board is responsible for reviewing, evaluating, prioritizing and recommending proposed eCO system improvements. The board gives the employees directly involved with eCO a voice to suggest system improvements to enhance operations. To date, the Office has implements a large number of incremental enhancements to improve system performance and functionality. As we continue to move into 2009, we expect the process will continue to be effective.

In Fiscal 2008, the Office kicked off an eCO system Performance Improvement Project (eCO PIP) designed to optimize performance of the eCO application platform and to develop short- and long-term recommendations for additional system performance improvement. Following the first round of optimization efforts, system performance improved by fifty percent.

Electronic submissions. On July 1, 2008 the Office opened to the public eCO e-Service for basic claims enabling users to submit copyright applications and certain classes of copyright deposits, via the Internet. Prior to July 2008, e- Service was opened under a limited-access beta test. During the last quarter of Fiscal 2008, the Office created 46,118 e-Service user accounts and processed 59,850 e-Service claims. Approximately 43,000 users charged copyright application fees to credit cards or bank accounts and the rest charged fees to existing deposit accounts. Users submitted approximately 35,000 electronic deposit copies; the remaining claims were submitted with hard copy deposits sent in by regular mail. By the end of Fiscal 2008, approximately 72,500 individuals and organizations were registered e-Service users. Electronic claims through e-Service now account for over 50% of weekly copyright applications received.

Form CO with 2-D Barcode. On July 1, 2008, the Office released the new Form CO that incorporates two dimensional (2-D) barcode technology. The first Form CO submissions were received and processed in September. The forms, which are completed online, are intended for applicants who prefer not to transact business over the Internet. When printed out, each form has scannable 2-D barcodes that encode all the data entered in the form. When the Office scans the 2-D barcodes, all fields of the eCO record are populated automatically without the need for manual data entry.

Registration of Copyright Claims, Recordation of Documents, and Deposit of Copies of Copyrighted Works

During Fiscal 2008, the Copyright Office received 561,428 copyright claims covering more than a million works. Of the claims received, 232,907 were registered and 526,508 copies of registered and unregistered works valued at $24 million were transferred to the Library of Congress for its collections and exchange programs. The Office recorded 11,341 documents which included more than 330,000 titles of works.

There were 231,000 claims in process in eCO one year ago; today there are approximately 500,000. The number of copyright claims received in FY2008 is comparable to previous years, but the Office registered fewer than half the number of claims compared to previous years and transferred fewer than half the typical annual number of deposit copies to the Library. These reductions are reflective of the significant challenges the Office faced in the wake of reengineering implementation. There were a number of contributing factors.

- Registration specialists required extensive training in new processes and the use of eCO. This training had a multiple dampening effect on production because first senior registration specialist needed to learn the system then the senior specialists needed to train junior staff. This significantly limited productivity during Fiscal 2008.
- The Office implemented eCO in August 2007, with electronic claims processing officially opening almost a year later. Processing paper claims electronically proved to be more difficult than originally anticipated due in large part to the OCR technology being less successful than anticipated. The paper claims became labor intensive requiring a great deal of manual data entry into the eCO system before the claim could be examined. Relatively slow processing of paper claims was a primary contributing factor to the build-up of claims on hand in Fiscal 2008.
- Some large submitters have been slow to adopt electronic filing.
- As with any large-scale IT implementation, eCO underwent adjustments for usability, efficiency, and stability. The Office has largely resolved the issues.
- Although the Office lost registration specialists through normal attrition, to focus training efforts on existing staff, management made the decision not to hire new specialists until 2009. While the decision was necessary, it lead to a temporary staffing shortage, adversely affected production.

The Office has taken a number of steps to improve processing time and reduce the number of claims on hand. Subsequently, the production trends are very positive in a number of areas.

- Large bottlenecks of unprocessed works received in the mail have been reduced, by more than 65 percent.
- Paper applications awaiting data entry into eCO have been reduced by more than 85 percent: from a high of 34,000 to under 5,000.
- Unprocessed check batches were reduced from a six-week lag to real-time processing.
- During Fiscal 2008, we closed approximately 40% of the claims
- Training has concluded for all Registration Specialists who were on board at the beginning of implementation. Most are now subject to established performance requirements. As a result, the productivity of registration specialists has increased across the board and is double that of one year ago.
- As more registration specialists become fully independent, the number of staff requiring quality assurance reviews of their work declines. This results in senior registration specialists, who are also responsible for conducting quality assurance reviews, focusing more time on processing claims.
- The Office recently appointed two new registration specialists in the Visual Arts and Recordation Division and seven new registration specialists in the Performing Arts Division. The Office also has selected eight new registration specialists in the Literary Division. These actions address the short staffing situation that contributed to low production and growth in the volume of claims in process.
- The eCO e-Service online registration system was released to the public on July 1, 2008. By the end of Fiscal 2008, e-filings reached almost 50 percent of all claims entered. The percentage for Fiscal 2009 thus far has been 53 percent. As the volume of e-Service claims increases the volume of paper claims decreases, which has a favorable effect on productivity.
- Registration specialists have been freed from activities that detracted from reducing the number of claims in process:
    - The Office established a quality assurance program targeting data entry errors during the process of manually keying data from scanned paper applications into electronic records. This action reduced the time spent by registration specialists correcting data entry errors.
    - The Office began identifying and routing claims with fee problems to the Accounts Section earlier in the production process. This action dramatically reduced the volume of correspondence that registration specialists were required to generate in response to short fees and other fee-related problems.

The volume of paper claims on hand will continue to affect processing times until actions already taken or planned by the Office--eliminating the short staffing in the Registration areas, achieving a fully trained staff, implementing strategies to attract more filers to

eCO, and upgrading to the newest version of the software application that powers eCO—have taken full effect..

Thus far in Fiscal 2009 the Office is experiencing a downturn in the number of claims received, which we believe is related to the current economic environment. At this time, projections indicate a possible Fiscal 2009 decline in copyright claims of somewhat over 5 percent compared with Fiscal 2008. The Office is taking a fiscally cautious approach to managing the Fiscal 2009 budget to ensure that we remain within the forecasted revenue base.

Copyright Records Digitization Project

In July 2008, the Copyright Office initiated a study to determine how to approach the digitization of its 70 million pre-1978 copyright records, many of which are sole copy records. The Office is now ready to move beyond the initial planning stages of the project. The objectives of the project are to:

- Provide online access to records of copyright ownership for the years from 1923 to 1977 inclusive.
- Provide online indexes as a finding aid to these records.
- Create preservation copies of the paper records of copyright ownership dating back to 1870.
- Move from microfilm to online digital records.

Earlier this year the Office issued a Request For Information (RFI) targeting vendors with expertise in records digitization. The Office received and reviewed 21 responses to the RFI. In Fiscal 2009, we intend to initiate a pilot test of several options for digitization across a representative sample of the copyright record types and formats. Based on the Office's pilot test, we will determine the best alternative and begin full production digitization in the second half of Fiscal 2010. The project's duration may extend over several years as necessary based on funding availability. However, the plan also calls for flexibility in order to seek out and take advantage of partnering opportunities whereby the partner that may both reduce the digitization cost and shorten the project's duration.

Licensing 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. The goals of this reengineering effort are to decrease statement of account processing times by 30 percent or more and to improve public access to Office records. The estimated $1.1 million cost of re-engineering will be assessed against royalty funds as soon as the Office is granted the authority to do so. Fiscal 2010 year will be a challenging one for the Licensing Division. The IT system design and implementation must go forward even as changes to the copyright law, particularly §111 and 119l, , are being considered. Licensing Division staff may also be forced to work through statements of account using the old processing system as the new system is piloted.

Conclusion

Madam Chair, I ask you to support the Fiscal 2010 budget request including the request for additional offsetting authority to complete the Licensing Reengineering efforts. Fiscal 2008 was a transitional year for the Office; we are hopeful that the measures we implement in Fiscal 2009 will help us to overcome many of the reengineering challenges.

I also want to thank the Congress for its past support of the Copyright Office reengineering efforts and our budget requests.

PRIORITIES AND TECHNOLOGY INITIATIVE

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

Just to begin more broadly, as I mentioned, if you look at it without the Library of Congress police transfer, you are asking for a more than 10 percent increase. And it is not that I don't think it is justified. It is simply that we are in a world of very limited resources, and I have said the same thing to every agency that has come in front of us, and I know you are aware of that.

Assuming we are not able—which is a safe assumption—to fund your full request, where would you begin to prioritize your programmatic increases and the requests that you have made? The largest single increase proposed in your budget is $15 million for upgrading technology at the Library as part of your 5–year technology initiative, which would cost approximately $75 million over that period. Can talk about that program a little bit? As we were reading through the report, there didn't really appear to be an end point to the technology project.

My question with the technology project, are you really just asking for an increase in your base funding or is there an actual finite program that has an end point?

Dr. BILLINGTON. The majority of the technology request is base funding. I would say in terms of priorities, our first priority is always mandatory pay and price level increases. But information technology infrastructure is really an essential priority and our request also includes $2.7 million for GLIN, the Global Legal Information Network, for the Law Library, and the CRS Web site enhancement of $1.8 million. It also includes something for the Legislative Information System. We recognize this is a substantial amount.

It is all in a sense dependent on modernization of the Library-wide infrastructure. We hesitated to bring forth this infrastructure request until we analyzed it pretty thoroughly. The specific requirements are built on our experience, much of which is one-of-a-kind experience. There are three levels, or tiers, in it that are interrelated. There isn't one tier that could be cut out entirely. If we had to make reductions, we would have to do it pretty much across the board, because you have to have the integration of the three tiers of the technology infrastructure request. In terms of the two main priorities, they are the mandatory pay raises and price levels and the technological infrastructure. We can discuss this with you in more detail.

TECHNOLOGY FUNDING VERSUS OPEN WORLD FUNDING

Ms. WASSERMAN SCHULTZ. The technology initiative is among your top two priorities in your request. That initiative is new and it is $15 million. You are also asking that we continue an almost $15 million appropriation for Open World, which is, at least in my opinion, not an appropriate fit for the Legislative Branch Subcommittee's budget. It is a worthwhile program. But given the needs that have been underscored agency after agency, and you are suggesting that you need $15 million for this very vital program, how is it that we can continue to justify $15 million for Open World when you need $15 million for a technology initiative which would

be much more broad-based, help a lot more people, provide access to information which is much more aligned with the legislative branch's mission?

Dr. BILLINGTON. Well, it is obvious that the committee——

Ms. WASSERMAN SCHULTZ. I am speaking only for myself.

Dr. BILLINGTON. And for you, Madam Chair, to evaluate these things. But they are two separate agencies. I happen to be chairman of the board of Open World, but Ambassador O'Keefe will talk about it subsequently.

Ms. WASSERMAN SCHULTZ. I know this matters to you a great deal, and I want your opinion.

Dr. BILLINGTON. It is not a question of me. It is a question of an opportunity for the country because Open World's tenth anniversary is here. It is a crucial stage in the development of our relations with this country and defining the whole region of the former Soviet Union, and——

Ms. WASSERMAN SCHULTZ. But how do we do both?

Dr. BILLINGTON. I beg your pardon?

Ms. WASSERMAN SCHULTZ. How are we supposed to do both? If I am forced to make choices, do you prefer we continue to fund Open World, or do you prefer we give you $15 million for a technology initiative? That is a choice that we are going to have to make. We just don't have that many places that we can get $15 million. Just food for thought.

Dr. BILLINGTON. I appreciate it. But I am here basically to testify for the Library of Congress and its long-deferred technology requirements. The only point I would make on the other side is that Open World is an opportunity, an unusual opportunity for the United States. It is not a question of my affection for the program. I think we take a bipartisan view of these other matters, but I would be happy to discuss it with you in whatever format you would like.

LIBRARY'S NEEDS

The Library's needs are what I am here primarily to testify for, and I have to stress that the technology infrastructure needs are long deferred and clearly affect our core mission. If we are going to acquire and preserve and maximize access in a democratic way, I think the World Digital Library and a lot of these things are going to be very valuable for Americans and for the educational mission that we have taken on.

Those are our priorities. On the other matter I think you need to hear from Ambassador O'Keefe.

Ms. WASSERMAN SCHULTZ. We will, but I just wanted to raise it.

Dr. BILLINGTON. In the current difficult economic times, no one should be asking anybody in the Congress for appropriations for things that aren't important for the country. And obviously, superimposing a digital library on the traditional library without diminishing traditional services is an important service for the country. Publications have increased 40 percent worldwide in the last decade. So it is not just that published things are disappearing but that publishing itself is experiencing enormous growth. The unique role of the Library of Congress is increasing. So I think this request

is of fundamental importance to this institution, the Congress and the Nation.

The Open World program is an opportunity. There are not many initiatives that are this size and that have had this kind of an impact. I have been involved in exchange programs for 50 years, and I really think this is, from the point of view of national interest, probably the most pound-for-pound effective one that I have seen. But I am happy to work with you.

Ms. WASSERMAN SCHULTZ. And you have worked with us. My time has expired. I know it is like asking you to choose among your children, and I know that is hard for you.

Dr. BILLINGTON. It is a wonderful analogy.

Ms. WASSERMAN SCHULTZ. I am a mom. So that is the first one that came to mind. We can talk some more about it.

Mr. ADERHOLT.

WORLD DIGITAL LIBRARY

Mr. ADERHOLT. Last week it was my understanding from the meeting at UNESCO headquarters in Paris the Library of Congress wants to operate the World Digital Library. I would just ask you to update the subcommittee on this major initiative which really brings the world's cultural treasures together. Tell us a little bit about that.

Dr. BILLINGTON. Well, that is based on the experience of the National Digital Library, which has now online 15.3 million primary documents of American history and culture with a lot of experience gained over the years. After some experiments with foreign bilingual Web sites that were very successful, we proposed the World Digital Library after we rejoined UNESCO. UNESCO adopted it as an international project last week. There, it is something from 192 countries in the WDL to make it clear that this is truly a worldwide program. There was a tremendous response. We have 32 partners; 19 nations have contributed to the World Digital Library.

GATEWAY TO CULTURAL KNOWLEDGE

The Library of Congress is such a rich treasure trove. This international initiative has been extremely helpful in expanding our Web presence and overcoming the digital divide, making available information, historical memory, important cultural documents that both stimulate thinking and increase respect and understanding of our own culture and that of others.

This of course ties right back to the request for resources to support all of the Library's digital programs. It is very important for Americans and American schools. We are reaching an enormous audience on our international Web site, and the World Digital Library adds an enormous dimension to it. It is not just democratizing and acknowledging information. It is also bringing knowledge of other cultures to America, to the K through 12 audience, on which we are having such an impact and a growing educational relationship.

The World Digital Library has fascinating content. We have the Mexican codexes online, and an 8,000 B.C. manuscript from South Africa. These are great cultural treasures. All content is accompanied by expert commentary from curators and scholars. There-

fore it is dependable, and it is very educational. It stimulates critical thinking as well, because you can see these items online—the Mexican codexes, bones from ancient China, the first map of the New World, and you can zoom in. There are all kinds of electronic enhancements. So we think this is a major contribution, to extend this to the world and in effect to repatriate what people don't realize that America has. Our country has preserved many of the cultural treasures of the world. Now we are giving it back. We have more holdings than many countries do, for example, some countries in Latin America and Africa. We are giving these things back free of charge, cooperatively with other countries, and this effort has certainly been hailed. Practically everybody in UNESCO is interested in joining this. This program has a very small staff with very high skills. We have done this with private money. We could give you a whole pile of international clippings about the World Digital Library.

Mr. ADERHOLT. The attention it has received?

Dr. BILLINGTON. A couple of them have said that this is one of the best things we have seen America do for the world in a long time. The young people in many developing countries are living in an increasingly audio visual world. In the developing world are very young cultures. Seventy percent of the population of Iran, for instance, is under the age of 25, and that is typical of many of the developing countries in which we have problems. We reach everybody through our online presence, and I think it is an American accomplishment.

PUBLIC OUTREACH AND PRIVATE FUNDING

We will add to this presence with the new information that you can now see in the public spaces of the Jefferson Building, with the new interactive online experience, with technology that is not yet on the public market. This is a very dynamic, entrepreneurial activity of the Library, done principally with private money and private support and partner cooperation. So when people come here, they can see original documents and then go back and teach and learn and be stimulated, not only about other countries, but also about our own, to start the process of critical thinking.

We have had two conferences funded by the Gates Foundation this last year on how to provide dynamic educational resources to the K through 12 community. And one of the ways is to get people asking questions. This is disproportionately valuable in the inner cities and other countries. Strong audio visual and documentary content and Web access open to all is essential.

Mr. ADERHOLT. Before my time runs out——

Ms. WASSERMAN SCHULTZ. It is a little bit over.

Dr. BILLINGTON. But it all depends on our infrastructure. We are turning to technology infrastructure resources as a guarantee for hopes of continuity of the future.

Ms. WASSERMAN SCHULTZ. We will put the reins on your enthusiasm just so we are not here the entire afternoon. I say that with affection, just so you know.

Dr. BILLINGTON. Sorry about that.

Ms. WASSERMAN SCHULTZ. Ms. McCollum.

HILL MUSEUM AND MANUSCRIPT LIBRARY

Ms. MCCOLLUM. Well, it is good to see you again. And I really enjoyed our discussion last month about developing a partnership between the Library of Congress and the Hill Museum & Manuscript Library to help with their public ancient threatened manuscripts in the Middle East, Africa, and countries in the former Soviet Union. Madam Chair, this is a very exciting opportunity.

There is a museum at St. John's University in Minnesota that through digital cameras and just sometimes it is a monk, sometimes it is a trained volunteer to go into other parts of the world, working with local religious leaders, working with local community leaders to preserve—nothing is removed—preserve through using digital means ancient manuscripts. And they are at a point where they have collected more than they can catalog and to do some things with. And it is the perfect opportunity from the UNESCO standpoint that you were talking about earlier to have these things digitized and share back with countries as well as having them available for our scholars and for our citizens to take a look at.

So I look forward to working with you and the subcommittee. It is a very cost-effective, very efficient opportunity to show the best and brightest of the Library of Congress and the American people.

IMPORTANCE OF FT. MEADE STORAGE

But I want to ask you a little more about the Ft. Meade site which, as you pointed out, was 8 years behind schedule. You are going to expand your capacity this summer. And why is that so important?

I worked on the Wilson Library at the University of Minnesota, where we had collections that we needed to store and care for properly. And sometimes people don't understand the importance of offsite storage for libraries. They think if it is out of sight, it is out of mind. You don't need it anymore. So talk a little more about—maybe give some examples of why Ft. Meade is going to be so important to you.

Dr. BILLINGTON. Well, Ft. Meade offsite storage is really essential to our mission. We have talked a lot about digital things. But the published books, published works have increased by 40 percent globally in the last decade. The explosion in digital publishing has led to no decline in print publishing. And so it is essential to be able to keep them.

Three million books and bound periodicals have already been moved to Modules 1 and 2, and we begin occupancy of Modules 3 and 4, where we will store special collections materials, in June. We have had a 100 percent retrieval rate for books moved to Ft. Meade. Collection materials are retrievable because this is a very modern system of storage, and we have now had a lot of experience with it. As I have said, you can't beat a 100 percent retrieval rate. Ft. Meade is close by, and retrieval is rapid.

We have had a very good relationship with the Architect of the Capitol as Ft. Meade facilities have been designed and built. We want to support the Architect's request to begin Module 5 because books now are beginning to pile up, a circumstance that guarantees that some will not be found. We now have something like 671 miles

of shelf space that would reach from here, I don't know where, probably to Minnesota.

By the way, we look forward to collaborating with the Hill Museum and Library. That is a spectacular, unique operation which could very much enrich the World Digital Library. We have had some contact with your people and I have visited there myself. We will make sure we visit the Middle Eastern Division. We will be in touch with your people. I thank you for bringing that to our attention.

The essential task of maintaining original materials is basically why Ft. Meade is so important. We are pretty much a library of record, and preserving these materials is a national service of sometimes international importance. Ft. Meade has worked out very well and we hope we can continue to develop additional modules.

Ms. MCCOLLUM. Thank you, Madam Chairwoman. I guess the secret to finding things on my desk would be not just to have it piled up but to have it retrieval ready.

Ms. WASSERMAN SCHULTZ. Thank you.

Mr. LaTourette.

THANKS TO THE LIBRARY

Mr. LATOURETTE. Well, thank you, Madam Chairman. I want you to know I sprinted from the floor to be here and I want to, for the purpose of the record, thank Dr. Billington. When he came to visit, I told him one of my favorite folks in history is James Garfield, the 20th President of the United States. I heard a very fascinating story that sort of intertwined Alexander Graham Bell, who you will remember for other things, but after President Garfield was shot in a train station by a fellow who had basically untreated syphilis and had gone crazy. He didn't die for a long period of time and was actually transported to the Jersey shore when he passed away. And Alexander Graham Bell was commissioned to invent basically the first metal detector. When he was passing the metal detector over the President's body to try and find the bullet, he was unsuccessful, but later discovered that because the President was lying on a bed with metal springs it sort of screwed up the process. But Dr. Billington was kind enough to get me Alexander Graham Bell's letter to his wife expressing his disappointment. And it is one of the things that really makes the Library amazing to read a letter that he had written to his wife about the failing health of the President. It was fascinating, and I thank you very much. I wanted to do that publicly.

Madam Chairman, my questions today are more directed to CRS and so with your permission, could we ask Mr. Mulhollan—not that I want to ignore you but I have seen how you turn a simple question into a 5-minute answer.

Ms. WASSERMAN SCHULTZ. Yes. Mr. Mulhollan.

CRS INTERNSHIP PROGRAM

Mr. LATOURETTE. Mr. Mulhollan, welcome. We had a hearing, I don't know, yesterday, a couple days ago with GAO and Ms. McCollum I thought asked a wonderful question about institutional knowledge. And Mr. Cole was kind enough to ask a question about

their internship program. And so in your testimony that you submitted in writing, I notice on page 5 you talk about the concept that you have introduced of section research managers.

Mr. MULHOLLAN. Right.

Mr. LATOURETTE. And the GAO experience is, they indicated to Mr. Cole that in their internship program they make offers to 70 percent of the people that intern with them and 70 percent of the people they make offers to accept those offers.

I understand that you had something called a capstone program, is that right?

Mr. MULHOLLAN. That is correct.

Mr. LATOURETTE. And is the capstone program an internship program? Or what is the capstone program?

Mr. MULHOLLAN. Okay. You have identified actually three separate areas. The section research managers were competitive hires to facilitate and manage research within CRS.

Mr. LATOURETTE. I asked them separately.

Mr. MULHOLLAN. The capstone program supports research partnerships with about 20 universities across the country. A number of public policy schools have capstone programs, which are one-to-two semester courses in which the class works with a client to analyze a public policy question. And so what we do with public policy schools such as the LBJ School of Public Affairs, the Bush school at Texas A&M, Columbia University SIPA program, the Maxwell school at Syracuse University and other schools across the country, and in consultation with House and Senate committees, identify a research problem that will be deliberated within the Congress in the near term. The schools in turn supplement our research efforts so that information and analysis will be available to the Congress in time for reauthorization, oversight and legislative activities. An example of one such partnership was one undertaken with the Bush school on election administration and it was completed in time for the reauthorization of HAVA in House Administration. Not only did we have the research, we also had exposure to the faculty and students of the school. Because we have a passion for anonymity Universities are often not fully aware of what we do. These programs expose partner schools to job opportunities at CRS.

Mr. LATOURETTE. My question is, I think it is a great program. How many capstone students, graduate students has the CRS hired?

Mr. MULHOLLAN. That is a good question. I will find that out and get to you. We have separate intern programs as well. We have had Presidential management fellows, the HACU intern program and others. We have hired staff from these programs. And we have a student diversity program. Last year we sponsored 24 students from historically black colleges.

The challenge we have is that when you look in all the fields from which we recruit, which is all the major disciplines, we have a challenge of the fact that only about 10 percent are minority. And so we had tried to get undergraduates between their junior and senior year to work over a summer and encourage them to get graduate degrees so that they can successfully compete for jobs. We have hired three out of the diversity program at this point. We

have had a larger number, and I will give you the numbers on that, of Presidential management fellows. I would say 10 in 2008.

[The information follows:]

Question. How many Presidential Management Fellows did CRS bring onboard in 2008?

Response: Ten.

Mr. LATOURETTE. Okay. If you would be kind enough to get me that information.

Mr. MULHOLLAN. Sir, I will give you those numbers.

SECTION RESEARCH MANAGERS IN CRS

Mr. LATOURETTE. And how many senior research people, managers do you have?

Mr. MULHOLLAN. In each of the Research Divisions we have an assistant director, a deputy assistant director, and between five and six section research managers. Section research managers generally manage about a dozen people, and have the expertise that allows them to have substantive dialogue with the analyst about the research and to ensure quality products and services that draw on the disciplines. For instance, the woman who heads our public health heads a group made up of a physician, an epidemiologist, a macroeconomist, and an aging specialist. So you want someone who can ensure the quality examination of the research as it goes through the research process and division review.

Mr. LATOURETTE. I think that is my question. So what is the skill set of the woman—the person that is supervising all these folks with all these——

Mr. MULHOLLAN. They are experts with knowledge of a range of disciplines within their section. For instance we are in the process of hiring someone who is an expert on trade—a trade economist for a vacant position in our trade section. We also have someone who is the head of our Congress section, she is someone who has her Ph.D. and has taught. She knows relevant disciplinary literature and has the skills and experience to lead the examination of the institution of Congress. And so in each instance a section research manager is someone who has the disciplinary competency for that cluster of issues managed in each of those sections.

Mr. LATOURETTE. That is what I wanted to get at. And that is, are the senior or the section research managers, are they analysts?

Mr. MULHOLLAN. They are research managers. Their role is not only to understand the analysis of the issue but also to develop relationships with committees that have jurisdiction over those issues, and to know the capacities elsewhere in the Service upon which to draw. We are increasingly finding that there are fewer and fewer issues that are not interrelated. So we are bringing the attorney, the economist, the scientist together at the table. They support collaboration which results in integrated analysis and they have capacities to identify those with the needed expertise to assist. Their challenge is to do just that.

Mr. LATOURETTE. I think my question is, as we talk to GAO they are hiring these folks who have been their interns and you are doing some of that. As I understand these section research managers, they were sort of brought in from the outside and dropped in——

Mr. MULHOLLAN. Well, half were outside and half were internal candidates.

Mr. LATOURETTE. So are you saying half of the people who used to be section research managers continue to be section research managers?

Mr. MULHOLLAN. Well, we have actually a mix. I will give you the exact numbers. But roughly a third were section heads who were neither full-time researchers or full-time research management. Some were analysts in the service who became section research managers—and that is about half of them, and the other half were experts who came from the outside.

Mr. LATOURETTE. Okay. I will tell you what, I am not going to embarrass anybody by name. But there was an article in Roll Call about one of these folks that you brought in and hired as a research manager at CRS, spent 6 years as I can read the article, as a legislative assistant for Senator Lieberman and now has been hired to supervise 10 analysts in the Congress and Judiciary sections. Would that be an example of what you are talking about?

Mr. MULHOLLAN. Well, for instance, that person is someone who is an expert, a Ph.D. in political science, who has written a book for which she received an award; I believe it was about several Presidencies. The persons who are new to CRS have expertise in their area. In this case, she is someone who has experience in the Congress; she understands our clients—you and your staff—and knows what is needed by an LA or a committee counsel in order to undertake their work.

Mr. LATOURETTE. Thank you.

Ms. MCCOLLUM [presiding]. Mr. Ryan.

Mr. RYAN. I would be happy to yield my time to the gentleman from Ohio.

Mr. LATOURETTE. What a gentleman.

Mr. RYAN. I don't know how happy I will be about it.

Mr. MULHOLLAN. Western Ohio reigns here.

Ms. MCCOLLUM. And my sister was born in Ohio.

Mr. LATOURETTE. I should really get everybody's time.

Mr. RYAN. Let's not get greedy here. Reclaiming my time.

Mr. LATOURETTE. I appreciated when you came to visit me, and I appreciate the observation you just made that the Congress is your client. I went on the CRS Web site this morning and didn't find any reports on the fiscal year 2010 budget or the conference report which we voted on yesterday.

Mr. MULHOLLAN. I am sorry. On what issue?

Mr. LATOURETTE. On the budget.

Mr. MULHOLLAN. Oh, okay. There is a section on the Web site dealing with the budget process itself but not the actual budget resolution.

OVERSIGHT OPTIONS AND RESEARCH PRODUCTS

Mr. LATOURETTE. Right. But we were asked to vote on the budget resolution. I am just saying that that would be helpful. It is not a criticism. What it is, is GAO came in and indicated that they have an oversight board. And I know you are under the jurisdiction of the Librarian. But it is made up of 10 Members of Congress from the Senate and the House. And they basically advise on what kind

of products your customers wants, not what you determine your customer wants but what your customer actually wants. As an example, somebody in passing told me that you don't do side-by-sides anymore.

Mr. MULHOLLAN. That is not quite the case.

Mr. LATOURETTE. What is the case?

Mr. MULHOLLAN. The case is that we try to add value by providing a comparative analysis that does not require you to go line by line but helps identify where the differences and issues are and analyzes the implications of these differences. So on these measures, these are the important issues, and their implications are important as well.

Ms. MCCOLLUM. If the gentleman will yield. I think some of us come from different backgrounds legislatively. I abhor the fact here that I have to create my own side by sides, the fact that we don't do strikeout language so you can't tell what is actually being in the text because that is the institutional experience I came from. And so I think by having you know—that could have been true at a point in time. And I don't know when. You probably had a robust discussion, the discussion was oh, we are not going to do side-by-sides anymore. This is what works good for everybody or for the majority of how you set up your documentation to do the contrast between the two. And institutionally there might be new—with new Members and then as people kind of transition through that might say, well, you know I think now maybe we are tipping more the other side. Kind of like fashion. It is in, it is out. And then it comes back in again.

So I just wanted to agree with the gentleman from Ohio that you know I didn't know I had an option for a long time. And I yield back.

Mr. LATOURETTE. Thank you. And that I think is the point and maybe ask you to consider and ask my colleagues to consider that your customers actually form a board to tell you what kind of products—because I will be more blunt than Ms. McCollum. I am too stupid to figure some stuff out without a side by side. And I relied on those side by sides to see what the Senate was up to, which was usually nothing, and what we were up to. And I found it to be a very valuable tool. If somebody over there made a decision we didn't need it anymore, nobody asked me.

Mr. MULHOLLAN. Excuse me, sir. That is not the case. We still do side-by-sides—we talk to the client, committee counsel or whoever. If, in fact, a line by line comparison is what is needed for formal conference activities, that is what the committee is provided. And oftentimes it becomes committee property because as you know, a huge amount of our work is client controlled.

Now that said, the fact is that we had found that, what a Member wants to know is the important differences between, measures. The fact is we have found in the majority of our dialogue with Members and the staff that they want to have the important provisions isolated and the differences underneath them identified—sometimes elaborating significantly why there are differences between the two, and that is what is done.

Mr. LATOURETTE. I appreciate it. But you have four customers here. I will take an informal poll. How many would like a side by side?

Ms. MCCOLLUM. I would like to see it.

Mr. LATOURETTE. Here are four customers. Please give it to us.

Mr. MULHOLLAN. You are part of our oversight as is the House Administration and the Joint Committee on the Library. But why I come and meet with you is to hear these very things.

Mr. LATOURETTE. I know that. But I am just saying that the GAO model impressed me that there is a constant dialogue. We don't have time to see you and just like you don't have time to see us every day. But 10 Senators and Members sit down and say to GAO—because we talk about this. You probably suffer from the same thing as GAO. We probably ask for stupid stuff that you—if you worked with us, you could say, well, why are you doing that? Why do we have to reinvent the wheel? I think it would save you work and it would also give your customers—

Mr. MULHOLLAN. I just stand on the record that in fact CRS welcomes any input from every Member of Congress with regard to what their needs are and to ensure the fact that we are meeting your needs.

Ms. MCCOLLUM. Thank you, Mr. LaTourette. And I don't think that anybody here thought that you wouldn't. We were just trying to figure out how to communicate even more effectively than we already do. Mr. Cole.

Mr. COLE. Since my wife is from northwest Ohio, I feel like I ought to yield time back to Mr. LaTourette.

Ms. MCCOLLUM. I could call my sister. We could yield time to her.

OUTREACH TO UNDERSERVED COMMUNITIES

Mr. COLE. She is a trained prosecutor, too.

I wanted to ask Dr. Billington, if I may, a little bit about what you are doing—because I know it is pretty spectacular and I want to get it on the record—in terms of outreach to underserved communities around the country on the Web. I have seen this with Native Americans and was shocked when I got back, I had done a little lecture, all of a sudden to have tribal people in my district and other places bring this up that I had no earthly idea were clearly you know on the Web, getting involved in finding out about their own history and their own people. And it was amazing to me because we quite often focus on areas with very limited libraries or very limited access and all of a sudden they had a wealth of information in front of them.

So if you would tell us a little bit about what you are doing and, using whatever time frame would you like, the number of people that are now using the Library of Congress compared to 10 years ago, what have you.

Dr. BILLINGTON. Well, first of all, the entire digital project, over a number of years of engagement putting online high quality, dependable content, has proven to be disproportionately valuable in the inner cities and in the outer countryside, where the people do not have access to good libraries, where the school system may not even be as well equipped as in other areas, or at least as effective.

The Digital Library is effective with the young and the less well off for another reason. It invades the audiovisual world where they are increasingly living. The whole culture is getting swamped with audiovisual, instant unfiltered stuff of one kind or another. All of the content that we put online has two qualities. First of all, it is intrinsically important. It is of some interest. And second of all, it is explained simply.

EVOLUTION OF DIGITAL PROGRAMS

The first thing I did when I started this program was to talk to curators who have great specialized knowledge. I said, pretend that your 10- or 11-year-old niece or nephew had just come in and said Uncle Bob, what is all this about? Why should I be interested? We are asking experts to speak to young people in plain language, and we are thereby invading the medium in which they live. Young people visit video arcades, play video games, or are engaged in illiterate chat rooms before they have a chance to really read anything or learn how language is used.

Second thing, particularly with the creation of our new Audio Visual Conservation Center, which for audio visual things in Culpeper, Virginia is what Ft. Meade is for paper-based things, we are going to have great new opportunities to reach a lot more people. Take for example the 10,000 wax cylinders, which pretty much all represent Native American tradition. It is the history, as you know far better than I, it is the literature, it is the music of the Native American people. Because it is on wax cylinders you can't use it too much or you would wear it out. We have developed with Lawrence Livermore Labs in California a system called IRENE, which is an acronym for a system which takes thousands of microscopic photographs of the ridges and can reproduce this material even more clearly than you could get it with the original. So we are going to be able to make accessible that and also the 3,000 very long playing recordings of Native American oral stories representing multiple tribes and multiple languages from the 1890s. The Library of Congress has a great record of accumulating this material. Now we have new opportunities to get it out to the public.

So I can assure you it is one of the priorities of the American Folklife Center where most of this material resides, to get it out rapidly and make it an important part of our collections. In general we are going to get artistic and cultural things which are oftentimes removed from curricula in K through 12 schools, back into the education communities, because we have the world's largest performing arts Library and we have this immense quality of American folklore.

Mr. COLE. Well, I would just ask that while obviously we are all users here and we are very fortunate with all the resources put at our disposal, but when you think through that prioritization that the Chair appropriately asks that you really think long and hard about putting an emphasis on exactly this type of thing. I just think—I have seen ways in which the institutions open worlds to kids and sometimes frankly to older people that they just never dreamed were there. They didn't know and they literally can sit in their home and go to a local Library and see things that you know

are important to their past or important to their understanding of who they are but never existed before. So it is pretty remarkable. And you know I think sometimes we use you intensely and appropriately, but there is a broader audience that pays for all this though the American people and to give them the opportunity to see what we sometimes take for granted ourselves. And I think you have done a superb job of this. I just hope we can give you the resources to continue that part of your mission.

DIGITAL LIBRARY AUDIENCE AND USAGE

Dr. BILLINGTON. Well, in terms of numbers, I mean in usage, it is hard to change the way of computing by and large. The last time we computed, we were getting 5 billion hits a year. Very diverse, all over the place. But now we compute usage in terms of visits and page views, and we are somewhere in the area of 90 million visits and I don't know how many page views. It is enormous. But K through 12 is our target and the underserved people are a high priority in what we are doing. Giving more people more access to more knowledge to use in more ways is a whole new important area of focus for the Library. We are not just a research library. We are a service to, as you say, to the people, and particularly for the underserved people. We have also our very small staff that monitors the educational output to this population, and they have made many visits, and they will make many more, to places, particularly to underserved places, where they set up programs to train teachers to use this material. So we have to penetrate it. We have to get to kids where they are.

We really appreciate your suggestion, and I hope we are going to be able to report on some fascinating things from this new machine which is coming out of the audiovisual center.

DIGITAL TALKING BOOK STATUS

Ms. WASSERMAN SCHULTZ [presiding]. Thank you very much, Mr. Cole. I want to focus on books for the blind now.

If you can, walk us through succinctly where we are on implementation of the books for the blind, the Digital Talking Books Program. I know your original plans were to produce about 220,000 machines, at an average cost of $156 per machine. Have you looked at whether that is the number you really need? Have you reevaluated that? And then the budget document this year includes a budget for the Digital Books Program between 2004 and 2013 and it shows the cost over a 10-year period of $230 million. And given that we have a declining cost in technology, especially in flash memory, is there any chance that the costs will be significantly below those projections?

Dr. BILLINGTON. Well, let me give you a general report on this and then maybe Jo Ann, our Chief Operating Officer, can speak in more detail. In general, the talking books program is making excellent progress and today we are delivering 5,000 digital machines to eight network libraries, to be tested by our most voracious readers. Blind people read more than sighted people do. So this is an important, very important constituent for all kinds of reasons. Fifty-eight titles will be available for reading in this test, and then we will begin full production of machines and titles. There is also a

download project involving 100 blind readers who download directly from the NLS Web site, and the pilot has been so successful that that program is now open to everyone in the program, and 5,600 individuals are now using it. It is password protected and delivers titles to readers' computers.

I will get you an exact breakdown of these statistical matters. But do you want to comment?

[The information follows:]

Response. The following production statistics for the period of 2004 through 2013 were provided in the appendix of the 2010 appropriations request. These production targets, representing a total implementation cost of $230 million, continue to be valid. This chart will be updated at year-end to replace projected costs with actual costs.

While the price of flash media has risen since the time those numbers were provided (budgetary costs during the design phase for USB flash media were $9 in 2008, $8 in 2009, and $7 in 2010, and the cost is now approximately $7), fluctuations of this sort will be accommodated by marginally adjusting levels of book production from year to year.

FY 2004 - 2013 Estimated Costs for Transition to Digital Talking Book System

Fiscal Year	Task	Current Quantity	Budget Base	New Money	Total Cost
			(Dollars in Thousands)		
2004	Player/Media Design		$1,000		$ 1,000
2005	Player/Media Design		$1,000	$1,000	$ 2,000
2005	Analog to Digital Conversion	3,000		$ 500	$ 500
2006	Player/Media Design		$1,000	$1,000	$ 2,000
2006	Analog to Digital Conversion	3,000		$ 500	$ 500
2007	Analog to Digital Conversion	3,000		$500	$ 500
2007	Player/Media Design			$1,000	$ 1,000
2008	Player Production [1]	223,000	$29,386	$5,600	$34,986
2008	Media Production [2]	448,000	$1,557	$7,900	$ 9,457
2009	Player Production [1]	131,000	$12,617	$7,702	$20,319
2009	Media Production [2]	1,348,000	$3,933	$6,073	$10,006
2010	Player Production [1]	130,000	$13,112	$7,207	$20,319
2010	Media Production [2]	1,580,000	$4,514	$6,871	$11,385
2011	Player Production [1]	129,000	$14,512	$5,807	$20,319
2011	Media Production [2]	1,787,000	$10,378	$8,271	$18,649
2012	Player Production [1]	127,000	$14,512	$5,807	$20,319
2012	Media Production [2]	1,853,000	$10,378	$8,271	$18,649
2013	Player Production [1]	127,000	$17,158	$3,161	$20,319
2013	Media Production [2]	1,850,000	$7,732	$10,917	$18,649
	Total		**$142,789**	**$88,087**	**$230,876**

[1] Player production assumes $156 per player.

[2] Media production assumes a $3.00 /cartridge in 2008, $2.00 to duplicate, add label, etc. with declining prices through 2013 and re-use of cartridges, plus other allocated product and narrator costs.

Mr. JENKINS. I was just going to say that we are continuously trying to find greater efficiencies. We have already achieved some from the original digital talking books and we would be glad to provide for the record more details of what it is actually going to cost and any cost overruns that we will have over the coming years.

[The information follows:]

Question. Please provide additional details on what the Digital Talking Book program is going to cost and any cost overruns the Library will likely experience in coming years with regards to this program.

Response. The $13.5 million provided by the Congress for the period of 2008 through 2013 will enable us to complete implementation of the Digital Talking Book Program within five to six years. While commodity prices may result in fluctuations from year to year, there is likely to be enough play in other estimates—for players, duplication, labeling, and shipping—that NLS will be able to ensure steady production at planned levels.

The digital talking book player provides a platform for further development. A mature, stable, and universally available Internet infrastructure, when available, will provide a more streamlined book delivery. The modular nature of the digital talking book hardware platform and hybrid electronic/physical delivery system now in place lends itself well to further development options. Increased Internet borrowing would cause the long-term cost of direct circulation to fall; the introduction of the player this year will provide more concrete data with which to determine the scale of the potential decrease. We have full confidence that future system valuation over the next generation will not require additional appropriations.

Ms. WASSERMAN SCHULTZ. That would be great.

COPYRIGHT PROCESSING BACKLOG

On the Copyright Office, there is concern over the number of copyright claims that are currently in process. Obviously there is an impact on the individuals who registered their works with the Copyright Office. And in your written testimony you talk about the number of claims having more than doubled during the last year to over 500,000 claims today.

How has the backlog affected the average processing time for claims? And what impact is it having on individuals and organizations who are seeking copyright services and protections? Also, is the delay in processing new requests, is it a problem of antiquated systems, not enough personnel or not enough money? I mean, what is the problem?

Dr. BILLINGTON. Well, first of all, we recognize there is a need to improve. There has been a re-engineering of all of these processes. But in the processing of applications, 53 percent come in electronically, and that process now takes 6 months or less. We expect that to increase to 80 percent of all claims by 2011. The big problem is paper applications, which are still——

Ms. WASSERMAN SCHULTZ. Do you expect the length of time to increase by 80 percent?

Mr. JENKINS. That 80 percent of all the copyright registrants will submit electronically by 2011, which will be a fairly reasonable time.

Dr. BILLINGTON. That is the direction we are moving in. But paper applications turnaround is very, very bad, really, at 17 months. You ask where the problems are and I can get the Register.

Ms. WASSERMAN SCHULTZ. Why don't you, if that would be helpful.

Dr. BILLINGTON. She would, but just the general point is that everybody has to be retrained. It is not a question of re-engineering and electronics. Everybody has to be retrained to deal with this whole new process and system. So training is probably the principal focus.

COPYRIGHT STAFFING, TRAINING, AND PROGRESS

Ms. SCHEFFLER. Liz Scheffler.

Let me talk a little bit about what has been happening over the last 2 years. We bought the new system in August of 2007. We had to retrain 100 percent of the existing staff who moved to new positions and completely new work. We also turned on, I hate to say this, a brand-new system simultaneous with the training. It took us a good solid year plus to retrain. We began in August of 2007; finally finishing training everybody in January 2009.

We have seen productivity gains. As people have gone through their one year of training, we had to sequence training to accommodate the number of staff and get them through their 90 days of system familiarization and new procedures before they became fully productive. A year ago we were producing basically one and a half claims per hour per registration specialist. As of this week those who have been fully trained and have been through their 90 days of familiarization are basically running three claims per hour. So basically we are working through the backlog. In fact we have one particular area, the literary side, that is still experiencing a fairly heavy backlog. However, both our visual arts and our performing arts registrations have leveled off and are starting to decline slowly.

I can also say that as of today we are now—I should say as of Monday we are now 100 percent staffed in that area. We had over 500 applicants. We have open positions to select 15 staff. We hired the first group in February. The second group showed up Monday. They are currently training. I can say that I have been in training where we actually had them working claims as they are being trained. A win-win for all.

Ms. WASSERMAN SCHULTZ. Does the change in your fee structure allow you to improve on the backlog? Are you going to be able to hire anybody else to address the backlog?

Ms. SCHEFFLER. At this particular moment we are looking at that. The goal right now is that as we move more towards electronic, we will be putting less people into our up front ingestion process and basically moving more people towards the registration process. Also, too, we are hoping that because—having actually sat there and observed the work, it takes 3 to 4 minutes to process an electronic claim, 100 percent, where it is 10 minutes to process a paper claim. The hope is by the new fee structure, more people will choose to go electronically if the fee stays the same. It remains at $35. So the expectation is yes. That will be one of the encouragements, and yes, we expect that will be happening.

Ms. WASSERMAN SCHULTZ. Thank you very much.

Mr. LaTourette.

CAPITOL POLICE MERGER

Mr. LATOURETTE. Dr. Billington, the merger of the Library Police and the Capitol Police is targeted, I understand, by October of this year. And if you could just take a minute and give us the status on that merger and if by October of this year that that deadline could be met.

Dr. BILLINGTON. My Chief Operating Officer, Jo Ann Jenkins, will respond.

Ms. JENKINS. We have been meeting periodically with the Capitol Police. We believe everything is on track. We will have 84 officers who are eligible to transfer. Sixty-two of those will transfer over as officers, and 22 will be transferred as civilians. And of those 22, 8 are eligible to retire without any loss of pay or retirement benefits.

We are waiting for the Capitol Police to give us a concept of operations plan for our review. We have given them what we would like to see in it, and they are moving it through their approval channels, but we haven't seen the final one yet.

PUBLISHING AND COLLECTIONS

Mr. LATOURETTE. And this will go to either one of you. Regarding the printed material that you get into the Library, I understand that there has been an increase over the last decade or so of 40 percent regarding the printed material that has come into the Library.

Dr. BILLINGTON. That is a 40 percent increase globally in what is being published.

Mr. LATOURETTE. That is coming from all over the world.

Dr. BILLINGTON. That would affect it.

Mr. LATOURETTE. Right. Based on that 40 percent of this new material, what does that do to you as far as deciding which materials that you store, materials that you keep in the Library? The ones that are kept at the main—I know you have some storage centers, but how do you decide what is kept in the main part of the Library and what you would store away in some other outside location?

ACQUISITIONS POLICY AND WORKFLOW

Dr. BILLINGTON. Well, first of all, the total acquisitions policy is determined by individual curators with different areas of expertise concerning what should be in the national collection and what should not be.

And, incidentally, we have just commissioned a Library-wide study to reexamine our acquisitions policy to see if there is anything that needs to be updated.

But I have to tell you that we get 10,000 artifactual items a day in the Library in the world's production of things that contain knowledge, creativity, information. They decide right on the spot to dispose of some of this, a fair amount, actually. Actually, we get approximately 22,000 items a day, of which only 10,000 are kept. I am a compulsive keeper of things. My wife would tell you.

Mr. LATOURETTE. My wife would tell you the same thing.

Dr. BILLINGTON. But I occasionally go down myself—and I know Deanna Marcum, our great head of Library Services, does this

more often—goes through all the discarded items, and I don't see anything that anybody could conceivably want. But we are more comprehensive. When we talk about a universal collection—we select everything that goes into the collection. We filter it. And the staff who do this are incredible, because they are dealing with different formats, different languages.

They make selection decisions on the spot. There are the policies of where it is going to go to be catalogued and processed. Then they determine whether it is a rush item or something that can go slower. It is a very systematic process.

One of our most experienced professional librarians is going to be talking to all of the curators about the collection development process. Library Services provided the committee with an enormous description of how we actually do it now. But we are going to see if there is some way we can improve our process.

With our collections in remote storage there is a retrieval delay of only a couple of hours. There is a 100 percent retrieval rate, so far, from our storage facility at Ft. Meade. But the retrieval of audiovisual collections in Culpeper will be done electronically. Because we have incredible machines out there that can digitize collections 24/7—from movies and television—so they will be digitally deliverable almost on demand here on Capitol Hill.

I think that is the story, unless you want me to be more specific.

Mr. LATOURETTE. Before my time is expired, I would like the record to reflect that my grandfather lived many years in Ohio. As a matter of fact, my grandfather's brother lived there.

Ms. WASSERMAN SCHULTZ. Without objection, the record will reflect.

Ms. McCollum.

Ms. MCCOLLUM. I am fine. Thank you, Madam Chair.

Ms. WASSERMAN SCHULTZ. Mr. LaTourette.

Mr. LATOURETTE. Just a couple.

Mr. Mulhollan, can I see you just for a minute?

And just so I am not misunderstood, I consider the CRS to be one of the treasures of this place. I think it stands apart from other organizations in terms of its—I never have detected a partisan tilt to things, and I appreciate that very much.

And I know that the chairwoman and I talked. There are some who want to take it out of the Library of Congress, and I think it is fine right where it is and should be, and you are doing a good job.

PEER REVIEW IN CRS

That doesn't mean I don't have some questions, though. Talk to me a little bit about the peer review. If the chairwoman asked you for an opinion that one of your analysts looks up, what is the peer review process for the information that winds back up in the chairwoman's office?

Mr. MULHOLLAN. Well, it would depend on the question. There are increasingly fewer questions that don't need the insight of different disciplines to provide a comprehensive examination. When a request comes in about a certain question, a researcher would work out the parameters of the research with the client and his/her section research manager. The research begins and as often as not, it

may well be that several analysts would be involved in thinking about the policy problems posed and how to address them.

When that is undertaken, then it may well be that—let's for argument sake say—that a piece that was done by an environmental or field biologist was then reviewed by an attorney who knows environmental law. And also it may well be that someone who is an economist may take a look at that analysis. So it is peer reviewed within the institution depending on the parameters of the question itself.

And on occasion—I will use an example. A colleague of mine is a marine fisheries person. And I know on occasion he has undertaken research that has benefited from the expertise of a Norwegian marine biologist. Because of a highly technical or specialized aspect of this research, he is the expert to seek. So he might serve as a peer reviewer on an aspect of the research. He couldn't reveal the congressional question because of confidentiality but the CRS analyst could seek peer review of his methodology, sources, and logic.

Mr. LATOURETTE. Let me ask you this, though, because it gets back to the section research managers. These people that you brought in that you say have expertise in whatever the area is, do they—so I am an analyst, Mr. Aderholt is a section research manager, and I write something. Does he check it?

Mr. MULHOLLAN. Yes, of course.

Mr. LATOURETTE. And he is qualified in your shop to check whatever that——

Mr. MULHOLLAN. That is correct.

Mr. LATOURETTE. Well, that is what I was getting at.

Mr. MULHOLLAN. Excuse me just for interrupting. The term we use in peer review is that the analyst seeks peer review before it goes to a section research manager—or a section research manager may decide to have someone else take a look at the research as well, that is what we call peer review.

CONTRACTUAL SERVICES IN CRS

Mr. LATOURETTE. That is what I call peer review, too.

Does CRS currently have contracts with outside contractors to provide services?

Mr. MULHOLLAN. Yes. Generally in the IT area.

Mr. LATOURETTE. Anything other than IT?

Mr. MULHOLLAN. We have a contract that is actually privately funded through a foundation for a patent attorney to help us on patent questions.

Mr. LATOURETTE. Is that it?

Mr. MULHOLLAN. I will have to review it. That is what immediately comes to mind.

When we have an outside expert on a hiring selection panel, sometimes he/she would be under a contract. The statute grants the Director of CRS discretion to obtain outside consultants. The statute allows that. But that has not happened much in the analytic area. It is dominantly in some of the support areas.

Mr. LATOURETTE. If you would be so kind to submit for the record a list of outside contractors, the Service employees, what that represents and the cost.

Mr. MULHOLLAN. I would be happy to.
Mr. LATOURETTE. Thank you.
[The information follows:]

Question. Please provide a list of outside contractors used by CRS in 2008, what their function was, and how much they cost.
Response.

Contractor	Function	Cost
Washington Center for Internships	Placement services for Student Diversity Intern Program – 2 Interns	$9,402
Hispanic Association of Colleges and Universities	Placement services for Student Diversity Intern Program – 5 Interns	$49,400
Library Associates of Maryland	Receptionist services	$236,436
Creative Project management	Graphic Design services	$24,874
Pitney Bowes	Mailroom and Congressional Deliveries	$194,573
EEI Communications	Production and Editorial Support	$130,000
J. Walter Thompson	Recruitment advertising and placements	$167,228
U.S. Business Interiors	Office furnishing installations and moves	$20,000
Ultimate Floorcovering Inc	Carpet replacement installation	$5,000
MIL Corporation	IT User Support and Help Desk	$837,170
Document Systems Inc.	Copy center operations	$102,712
CACI	Network services support	$327,490
Sapient	Redesign, reconfigurations and support for CRS.gov website	$1,377,000
CACI	Applications support for Authoring and Publishing system	$309,858
Ascentium Corp.	Design, configure and install integrated request management system	$1,020,820
U.S Office of Personnel Management	Placement services for 10 Presidential Management Fellows	$60,000
U.S. Office of Personnel Management	Personnel security investigations	$96,327
Sapient	Analysis of and plan for enhancement of CRS.gov website	$237,992
Millenium Group	Strategic Research Leadership Orientation program	$40,000
University of Oklahoma	Research study and report (Capstone)	$16,600
University of Texas-Austin	Research study and report (Capstone)	$18,265
New York University	Research study and report (Capstone)	$12,554
University of Washington	Research study and report (Capstone)	$11,052
Texas A&M	Research study and report (Capstone)	$15,025
Columbia University	Research study and report (Capstone)	$5,111
Shauna Kelley	Programming support and knowledge transfer for MS Word	$76,050
Scot Hillier	Programming support and knowledge transfer for MS Word	$97,161
Steve Shurtz	Training and tutorial services for analytic and writing skills	$35,800
Shore Concepts	Training Seminar	$6,179
American Management Association	Training Seminar	$22,086
	Total	**$5,562,16**

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

SEPARATE BUDGET FOR CRS

I just have a collection of quick questions. One of them is for you, Mr. Mulhollan, so you should not depart.

This goes back to what Mr. LaTourette raised, that some Members perennially ask us about why the CRS budget is a part of the Library of Congress' budget and whether or not it should be separated out. I know that is not for you to answer, because it is awkward for you. So I will ask Dr. Billington.

I know about 10 years ago it was shifted to the Library of Congress. On behalf of the collection of Members that usually ask me about separating out CRS's budget, what was the rationale behind putting it into the Library of Congress' budget initially? Just so I have a good answer when I am asked the question.

Dr. BILLINGTON. Well, I think the rationale for doing this was that by rooting it securely in the Library it ensures the Library—it ensures the added element of objectivity, basic knowledge and having access to the world's greatest storehouse of knowledge, which they might not be able to use otherwise. But having it rooted there reinforces the tradition which has been developed for nearly a century——

Legislation and oversight call for the debates on objective knowledge that is as comprehensive as possible and objectivity which is above and beyond the objectivity that they get from their position.

So I think having CRS as part of the Library—and this was determined before my time—has worked pretty well. I don't think it has penalized or hurt the Service, and I think it has enabled us to continue to have a kind of resolution of these information problems.

But, obviously, we are responsive to whatever Congress decides.

Ms. WASSERMAN SCHULTZ. I understand. It is not my question. It is just a question I get from time to time from members.

Dr. BILLINGTON. So I think that was the rationale.

Ms. WASSERMAN SCHULTZ. I have a question for Mr. Mulhollan.

CRS FTES AND WEB-BASED SERVICES

Your budget request for CRS is $115 million and 675 FTEs; that is a 7.3 percent increase. But you aren't changing the number of FTEs from fiscal year 2009. So why does it cost 7.3 percent more to deal with the same support, the same number of staff?

Mr. MULHOLLAN. Well, first of all, we are 90 percent salary, so the increase for salaries is roughly 5.8 percent. So the additional increase we are having on the budget is $2.3 million in nonpersonal expenses. $1.8 million of that is what we characterize as enhanced access of CRS's expertise.

As Mr. LaTourette was just pointing out, he went onto the Web site and he couldn't find an analysis on the omnibus bill. As a matter of fact, we have a legislative agenda; and you can click on it now. And every week we put up the Service's reports that are relevant to the floor agenda that week. But it is not an intuitive site and often important contentis not easily accessible.

What we hope to be able to do is enhance the Service's Web site. We are on our way, and we hope to open that up in the near fu-

ture. But what we are asking for is assistance to make sure that you have immediate access to the full array of expertise on a continuing basis so that——

Ms. WASSERMAN SCHULTZ. Via the Web.

Mr. MULHOLLAN. Via the Web. So, for instance, if an LA in any office tracks veterans, Medicare and some aspect of the farm bill, he/she may want immediate access to those issues first. Congressional staff can identify issues they have to track and immediately have access to CRS expertise and products and be notified of new work and products.

The request would also help us manage larger and larger research data sets, whether it is Census Bureau data—one of my colleagues gave up their first-born child to get CMS data. And the committees particularly need us to undertake examinations based upon the data.

We are trying to make sure that we have a consolidated, integrated data program; the $1.8 million will help us do that.

SECURITY BREACH CRS REPORTS

Ms. WASSERMAN SCHULTZ. Speaking of your reports, a few weeks ago there was a wholesale posting of CRS reports and of real concern on the part of the Members and CRS about how that happened. Have you gotten to the bottom of it and have you taken steps to ensure that it won't happen again?

Mr. MULHOLLAN. That was examined by the Library's IG. The Library's IG investigated and went to the respective chambers and reported on that.

As you know, the Service is extremely concerned because we only serve the Congress and we want to maintain that confidential status. What protects this confidential status is CRS' speech and debate protections. And so we have to be seen by the courts as well as by the Congress as only having one client, and that is the Congress. That is we do not have a public face nor a public mission. And if we didn't have that speech and debate protection then, a memorandum that I wrote for one of you could be revealed in a court proceeding 2 years from now.

Ms. WASSERMAN SCHULTZ. My question is, have you taken steps necessary to prevent it from happening again and determine how it is that it happened in the first place?

Mr. MULHOLLAN. The determination is subject to the examination of the IG, right? And that is where we have left it, for the IG to do that and to then report how it happened and have each of the chambers identify the path to prevent it in the future.

Ms. WASSERMAN SCHULTZ. Okay. Well, is that not something that we should discuss publicly?

Mr. MULHOLLAN. Well, I think it would probably be done outside the chamber.

Ms. WASSERMAN SCHULTZ. Okay. That is fine.

And, lastly—am I the only one with questions left?

Mr. LATOURETTE. I have one more.

Ms. WASSERMAN SCHULTZ. Okay. I have two other quick ones, and then I am done.

SPACE FOR OFFICE OF COMPLIANCE

The Office of Compliance's space that they have been trying to wrangle out of the Library of Congress for quite some time now, where are we on that?

Ms. JENKINS. I know that our director of facilities has been working with the Compliance Office. They have given them several options to try to address some of their space needs. And as of this morning we were still waiting to hear back from the Compliance Board on which options, some of which cost money and some of which don't cost money. So we are waiting, but we are working with them to try to address it.

Ms. WASSERMAN SCHULTZ. We had a hearing with them yesterday, and they seemed to indicate they were still having a little bit of difficulty. So if you could follow up, that would be great.

LAW LIBRARY FUNDRAISING AND SEPARATE LINE ITEM

And then, lastly, on the Law Library, because I would bet every single member has been contacted by an attorney who is concerned about the Law Library and the GLIN network and the fact that we have an aging trained workforce that understands the GLIN network. Can you tell us where we are on that?

And then, also, the legal community would very much like—I know the ABA specifically would very much like to be able to establish a private fund-raising source as a way to raise money privately for the Library, and they have yet to be able to do that. So where are we on that as well?

Dr. BILLINGTON. Well, let me say, first, on that last issue that we have been consulting a lot with the ABA. Three times I think in just the last few weeks. And I think we have a pretty good understanding. For the ABA and other outside parties to raise money, that possibility already exists. Funds can be specified for an exclusive purpose. So that possibility already exists. We have in our——

Ms. WASSERMAN SCHULTZ. But they are saying that right now it might exist, but it is not easy. They want a separate appropriations account like there is for CRS.

Ms. JENKINS. You are speaking not necessarily about fundraising. They asked for two things. They asked for separate language to set up—the ability to set up a separate trust fund for the Law Library, and we have given them some suggested language on how that could be done.

The second thing they were originally asking for is to have a separate budget line item.

Ms. WASSERMAN SCHULTZ. Right. That is what I am talking about.

Ms. JENKINS. Dr. Billington, do you want to answer the line item question?

Dr. BILLINGTON. Go ahead.

Ms. JENKINS. I think the issue as it goes back, in terms of the Library's ability to manage the whole organization, is that it is very difficult when you come to us and say we want a 10 percent across the board cut for the Library to be able to manage all of these separate budget items, separate budgets for the different Service units to do it. So we have tried to convey to the ABA the

transparency of what we are requesting in the Law Library budget. It is public knowledge, and we don't believe that it is necessary for them to have greater transparency. I think we are very clear on what is in the budget, what process it goes through and that——

Ms. WASSERMAN SCHULTZ. Okay. You have answered the wrong question. I know those arguments. And they have made them to me, and I understand them. I am talking about their ability to more easily raise private funds for the Law Library.

Ms. JENKINS. They can—we have right now the authority to set up individual gift and trust funds, and the fund can be specified for the Law Library purposes only. They would like additional language, and we have said we are comfortable with it.

Ms. WASSERMAN SCHULTZ. Okay. Great.

Thank you. I am finished.

Mr. ADERHOLT. Just two quick questions, Mr. Mulhollan.

How many full-time employees does the CRS employ?

Mr. MULHOLLAN. Six hundred and seventy-five.

Mr. ADERHOLT. And where are most of them located, which building?

Mr. MULHOLLAN. They are on three half floors of the Madison, right next door to the Cannon Building.

Mr. ADERHOLT. That is all.

Ms. WASSERMAN SCHULTZ. Mr. LaTourette.

OFF-THE-SHELF PRODUCTS IN CRS

Mr. LATOURETTE. Last question, Mr. Mulhollan.

There used to be off-the-shelf—I call them off-the-shelf-products available at CRS. For instance, it may say, what is the history of the flag-burning issue in the United States? There was a menu that I could call up, and rather than saying, could you write a specific opinion for me to give to my specific constituent, you had some off-the-shelf products. Do you still have them?

Mr. MULHOLLAN. There is something on the Web site called "In the Mailbag". And in there those are the issues that we say, okay, we are getting a lot of calls on this. Let's say you get robocalls in a lot of the offices about flying saucers and whatever.

Mr. LATOURETTE. Nonpartisan.

Mr. MULHOLLAN. Yeah, right. When we determine that this is coming up in a number of offices, then our librarians prepare materials that are available to all offices on our website.

Mr. LATOURETTE. I guess what I am asking—my recollection is—and I just want you to tell me if I am wrong, because I am wrong a lot—that you used to have some generic stuff. For instance, in all of our offices we have a book how a bill becomes a law. And I thought that you had not just a menu of what is hot, but you had a menu of like if a school kid calls up and he wants to know.

Mr. MULHOLLAN. There is also on the Web site a number of perennial issues. For instance, we provide materials that provide assistance for commemorations, for the Martin Luther King holiday, Flag Day and others that are of interest to constituents.

Now, with regard to flag burning, we actually—if you put that down on the Web, you would get several CRS reports on the constitutionality on that, okay?

Mr. LATOURETTE. But do you——

Mr. MULHOLLAN. There are——

Mr. LATOURETTE. Let me just say, what about—is there any kind of, like, paper, hard copies that are available?

PAPER PRODUCTS VERSUS ONLINE ACCESS

Mr. MULHOLLAN. Everything is now available on the Web site to be printed up immediately from there. And so what we have been trying to do is ensure the fact that the questions and the analysis you need is available on the Web site 24/7. And so that if you want an examination on an issue, hopefully, it is there. If it is not, then you call and we will produce it for you.

Mr. LATOURETTE. I guess it is a manpower question I am asking. If—am I wrong that you changed this over the last—I have been here for 15 years. And I know I am not talking about technology improvements. I am talking about, do you do something different today in terms of you have got a storeroom with these 80 reports——

Mr. MULHOLLAN. We actually do. The storeroom is now in digital form in digital storage. What we have there is on the screen. And the new Web I think will be more robust and more intuitive in being able to ensure we are responsive to your questions.

Mr. LATOURETTE. Regardless how I get it, paper or electronic, it is the same as it was 15 years ago.

Mr. MULHOLLAN. I think in most—yes. It is just digital form.

Mr. LATOURETTE. Okay. Thank you.

ADDITIONAL ASSIGNMENT FROM THE CHAIR—DIGITAL TALKING BOOKS

Ms. WASSERMAN SCHULTZ. Okay. Thank you very much.

Dr. Billington, thank you very much. We have a little bit of homework for you. It is related to the digital book initiative. As we move toward full implementation of that, I think it would be useful to include a summary of how we got to where we are. Could you please have your staff prepare a history of this project, including a description of the process for developing the machines and book formats which are currently being circulated, the evaluations that were done to test the appropriateness and cost of the technologies which were finally selected, and a history of the cost estimates over the life of the program? And we would like that by next Friday, May 8th, please.

Thank you very much for your service and your time.

Questions for the Record
Homework
Chair Wasserman Schultz
FY 2010 Budget Library of Congress
Wednesday April 29, 2009 Rm H-144 1:30m P.M.

QUESTION. Dr. Billington, as we move into full implementation of the digital book initiative at the National Library Service, I think it would be useful to include a summary of how we got to this place. Could you please have your staff prepare a history of this project including a description of the process for developing the machines and book formats which are currently being circulated, the evaluations that were done to test the appropriateness and cost of the technologies which were finally selected, and a history of the cost estimates over the life of the program?

RESPONSE. A history of the digital talking book initiative is presented below.

Background

Since the early 1930s, federal legislation has directed the Library of Congress to offer free library service to blind and physically handicapped individuals resident in the United States as well as to U.S. citizens overseas. Technological changes in the program have mirrored and sometimes anticipated transformations and developments in the world of consumer electronics. Braille is now accessible over the Internet by means of specialized refreshable tactile displays; audiobooks, originally cut onto rigid shellac 78-rpm disks, have progressed through long-playing flexible discs and a refined proprietary four-track/half-speed analog cassette technology that is now being replaced by digital flash-memory cartridges playable on efficient, reliable, lightweight, and portable machines.

Development Process for Machines and Books

Four concepts guided the development of the digital talking-book system: (1) the service must remain free for every eligible user; (2) there must be a high degree of patron involvement and input; (3) access to NLS materials must be restricted to eligible, duly registered blind, visually impaired, or physically handicapped users to protect copyrights; and (4) the focus must remain on the users' reading needs. Consideration of users' needs, for example, has prevented NLS from embracing technology such as CDs, which have been demonstrated to be too fragile to hold up under continued use. Development of an acceptable DTB system for NLS has posed a series of technical challenges, including establishing a standard, designing a player, and creating a digital collection.

Establishing a Standard

In the mid-1990s, NLS embarked on a program to design the most practical, cost-efficient digital talking book. The program involved twenty identifiable steps, including using a personal

computer to simulate a DTB, developing a computer-based life-cycle cost analysis tool, developing relevant software, and constructing a prototype player. The first step was to define and prioritize digital talking-book features and embody them in a standard.

After more than four years' work by a committee that included representatives of seven countries, the National Information Standards Organization (NISO) approved a standard for a digital talking book in December 2001. NLS chaired the committee, created and managed work groups, and wrote much of the final document, which built upon the ad hoc collection of the various commercial systems then available. Blind and visually impaired users, who were heavily involved at every stage, approved the standard.

The standard permits the creation of digital talking books that range from a novel to a complex reference work, and it gives users flexibility in how they use talking books. Most will want a recreational reading experience while others will require more sophisticated capabilities, including the ability to navigate rapidly and flexibly and to set bookmarks.

Designing a Digital Player

In 2001, NLS and the Industrial Designers Society of America (IDSA) jointly sponsored a contest for the design of the exterior of a digital talking-book player. NLS provided a list of features sought in the player, and students at fifty-five IDSA-accredited schools were invited to participate for cash prizes. Entries were evaluated with respect to the principles of universal design and features specific to an effective digital player, such as accessible, distinctive controls and provision for a directional speaker. Entries were also judged in terms of creativity and ingenuity.

In June 2002, six judges met at NLS to evaluate 146 submissions from 28 schools around the country. The $5,000 first prize went to a senior at the University of Bridgeport. His design and those of other top contestants included creative ideas that were incorporated in the player that NLS has designed and developed.

After extensive evaluation of candidate media, distribution methods, and life-cycle costs, NLS determined that the digital system would be based on flash-memory technology, specifically Universal Serial Bus (USB) flash-drive technology, and observed numerous advantages relative to alternate media and the analog cassette system:

- Digital technology offers improved audio reproduction quality to provide better audio quality for patrons.
- Storage densities and capacities are larger, requiring fewer cartridges per book; eliminating the need to turn the media over and flip a switch to access the other side; and requiring less storage space for collections at network libraries.
- Flash-memory cartridges have a long life and may be reused many times while retaining high-quality audio reproduction. The duplication process is relatively simple.

- Flash memory is a widely available, mature technology whose price was rapidly coming within range of cost-effectiveness for the NLS program.
- Playback machines are smaller and weigh less, ensuring better portability and requiring less storage space in network libraries.
- Machines consume less power because they have no moving parts, thus enabling longer operation for a given battery capacity.
- Machines are more reliable, resulting in fewer malfunctions for patrons and fewer repairs by staff, volunteers, and contractors.
- Fewer, simpler repairs will mean lower cost and less storage needed for repair parts.
- Machines will last longer, since they are more robust and resistant to damage.

NLS posted a Request for Proposal (RFP) for technical and design services. A contract was signed in February 2005 with Battelle Memorial Institute, a leading technology innovation firm, and a team of experts to develop the digital talking books and audio playback machines. Serving as subcontractors on the project were HumanWare, formerly VisuAide, a leader in digital talking-book technology; the National Federation of the Blind, the largest organization of blind persons in the United States with more than 50,000 members; and Trace Research and Development Center at the University of Wisconsin-Madison, which makes information technology and telecommunications systems accessible by people with disabilities.

The design of the digital machine and cartridge was approved in late 2007, and the long process of finding contractors to manufacture machines and cartridges began. In mid-2008, NLS awarded contracts to Shinano-Kenshi/Plextor Ltd. for machine production, and to Northstar Systems Inc. for cartridge production. LC Industries, Inc., a contractor for the special mailing containers required for cartridge distribution, was also located in this time period. Producers for all physical components of new digital talking-book system were in place, and production commenced in early 2009.

Creating a Digital Collection

Because NLS has been experimenting with digital recording systems for a number of years, the staff has come to understand the challenges of the digital domain. All studios in the NLS complex have been outfitted with digital recording equipment, and staff members have been trained in digital technology. Experienced NLS audiobook producers were required to record at least 10 percent of their output digitally in 2002, 50 percent in 2003, and 100 percent in 2004 and thereafter into the future.

In 2001, NLS chose an initial group of 1,000 titles in the current collection to be transferred to digital format. These represented a broad literary cross-section, with genres selected in proportion to their representation in the cassette collection. This process has continued, with the identification of 10,000 titles for conversion. The contractors mentioned above are converting these books to digital format. By December 2009, we expect to have converted 20,000 titles.

Implementation

There have been many tangible accomplishments since the *Current Strategic Business Plan for the Implementation of Digital Systems* was published in December 2003:

- A survey assessed current patrons' characteristics, desires, and requirements, and these have been incorporated into the design and development of virtually all aspects of the new system. Key findings were that features such as large-print and braille labeling on books and magazines, as well as raised symbols on playback machine keys, are required; also, the machines were required to be smaller and lighter, have better audio reproduction quality, and enable readers to find their place if they fall asleep.

- The development of the DTB title collection has proceeded according to plan.

- The study that chose USB flash drive technology to be the basis of the digital system also examined technologies based on miniature magnetic hard drives and CD-ROM. The decision criteria included patron service quality levels, NLS costs, and network costs. A full discussion of the technology selection process is included in the *Strategic Business Plan*, pp. 8-11.

- A digital rights management (DRM) scheme was developed to provide copyright protection of program materials. NLS selected the National Institute of Standards and Technology (NIST) Advanced Encryption Standard as the basis for the DRM. The scheme calls for a decryption key to be built into NLS digital talking-book machines (DTBMs) and to facilitate the reading of non-NLS materials by enabling decryption keys for non-NLS flash-drive-based books loaded into NLS DTBMs.

- A study was performed to select the audio compression algorithm, or codec (code-decode) scheme, for DTBs. A comprehensive testing process using expert listeners was performed for competing alternatives. The algorithm selected was the Adaptive Multi-Rate Wide band Plus (AMR-WB+), which produces the best audio reproduction of human speech and achieves the highest compression ratios.

- The process for DTB preparation includes five essential steps: (1) development of a digital narration master in WAV format; (2) addition of announcements and extensible markup language (XML) files to the raw audio file; (3) compression of the raw audio using the AMR-WB+ codec; (4) DRM or protection of the compressed files using the NIST Advanced Encryption Standard with the NLS encryption key; and (5) creation of an image file of the protected book to maximize the speed with which data can be copied.

- Pilot tests of Internet-based book and magazine downloads have been completed, resulting in the beginning of penultimate test phase in late April 2009 of the Braille and Audio Reading Download (BARD) system. BARD currently has nearly14,000 book titles, 45 magazines, and approximately 6,000 subscribers. The official opening of the BARD to all eligible readers will be announced before the end of the year.

- A comprehensive Playback Machine Transition Study addressed the phasing out of CBMs and the phasing in of DTBMs. CBM production was discontinued after FY 2006. CBM repair capacity has been increased to the degree possible as DTBMs are distributed to as many patrons as wish to use them.
- Contracts for the production of the DTB machine, cartridge, and container were requested and awarded in FY 2008, and production is underway.
- Patron input obtained through focus groups and surveys were incorporated into the design. Both an advanced and a basic or standard model of the DTBM have been developed; most machines will be the standard model. The primary design criteria are ergonomic considerations from the perspective of patron usage, the ability to label the cartridge in both print and braille, and durability.
- A comprehensive prelaunch test involving eight regional libraries and 5,000 machines has been initiated, and will be completed in late June 2009. Should the need for any refinements in the manufacturing process be revealed in prelaunch testing, these will be implemented immediately, followed by full-scale mass production of machines (26,000/month through 2009 with reduced schedules in subsequent years).

Current and Future Activity

The decline in the wholesale unit price of flash memory has made the mass purchase of 1GB cartridges economically feasible. Virtually any book in the NLS collection may be stored on a single cartridge, and the price is low enough that network libraries and individuals patrons will be able to acquire cartridges for local and personal use. These economies will supplement the recycling capability of flash-memory cartridges. Other major steps comprising the current transition plan are as follows:

- Development of the digital book title master collection. The goal of having approximately 20,000 titles in digital format available has nearly been attained, and continuing operations call for the production of approximately 2,000 new titles annually, including a sprinkling of older analog titles in digital format, in approximately 924 copies each.
- BARD will continue to expand, eventually incorporating Web-Braille, the proprietary NLS Internet-based delivery system for electronic braille that has been in use since 1999. At the instigation of Chief Officers of State Library Agencies (COSLA) and the support of the network, regional libraries will have the opportunity to offer an individuated BARD interface; they will also register patrons and track usage of downloaded materials.
- Rigid disk (RD) phase-out. The removal of RD collections from network libraries was effectively completed in FY 2008. Some copies will be disposed of, while others will be transferred to multistate centers (MSCs). A master file will be retained, and some distinguished older RDs may be considered for digitization.
- Library information systems redesign and implementation. This will involve the modification of existing library information systems to support library-based DTB

distribution, as well as DTBM distribution and repair. The redesign is under way in many libraries and will be tested during the prelaunch.

- Mass duplication of DTBs. Mass duplication of DTBs is underway and will continue throughout the transition period as production of cassette book quantities declines. Duplication on demand will be further studied and may be implemented in the future.
- Development of DTBM repair infrastructure. This will begin in FY 2009 and involve the evaluation of repair processes and parts needs as experience with DTBMs accumulates. Testing and repair procedures will be developed, parts procurement requirements determined, repairers trained, the best warranty terms determined, and the repair logistics system put into place.
- RC mass-production phase-out. The reduction and phase-out of RC mass production has begun; production quantities will be gradually reduced, but all titles will still be produced. Production will cease after FY 2011 or later, depending on the speed and efficacy of the actual transition.
- Weeding of RC collections. The reduction in the number of RC copies in library collections, which also involves reallocation among libraries, is ongoing and will continue.
- Weeding of DTB collections. The weeding of DTB collections in network libraries will probably not begin until FY 2013. Weeded copies will be reallocated among libraries that need them, and the rest will be recycled for mass-duplicated DTBs.

Cost Estimates over the Life of the Program

Throughout the design phase the cost of each element was estimated using either data on similar systems, projections from industry analysts, or NLS's own contracting experience and current
- systems costs projected forward.

The initial estimate, for budgetary purposes, of the player itself ($200) was based on the cost of available commercial devices of similar complexity. Adjustments were made to account for the large volume production economies of scale and the inefficiencies inherent in the government procurement process. This figure represented a one-third reduction in machine cost compared to the cassette player cost but also was highly uncertain as the final product was not actually designed.

During the design contract, a comprehensive bill of materials (BOM) was compiled to determine accurately the cost of mass production player manufacturing. This BOM was supplied to bidders with the RFP, to reduce the risk to bidders and thus ameliorate the need to add a risk premium to the price bid. The bids resulting from the RFP were around the calculated figure. The winning bid based on the "best value" process was just below the predicted figure. The contract period is for three years with a unilateral government option for four further years. In the first year, the per-player price is $154, not including license fees. The price escalation fixed by the contract from the first year to the last option year was $7 per player.

Media costs during the design phase were based on projected trends through the program life. Estimates of mature media were more reliable than for emerging media (like flash memory). NLS used expert industry analysts in predicting flash-memory pricing. The volatility of the cost of solid-state memory was factored into the cartridge RFP to minimize the risk to the bidders and maximize the benefit to the Library of falling memory prices. The quoted cost of the cartridge is thus comprised of a stable fixed cost and a cost reflecting the commodity price of the memory component, which is linked to a publicly available index.

During the recent economic downturn a glut in memory resulted in a cartridge cost of $4.50, however this has recovered somewhat and is now close to $7. The budgetary costs used for the USB flash media were $9 in 2008, $8 in 2009, and $7 in 2010, based on the Gartner Dataquest data. The contract period for the cartridge contract is for three years with a unilateral government option for four further years. The cost of media is fixed at $2.63 (falling to $2.45 in the final option year) plus 114 percent of the memory cost (as quoted in the industry index).

Postal charges for circulation of DTB cartridges were slightly less than those of cassettes (as there is just one cartridge per book) and based on the costs of the current program. As the likelihood of increased Internet borrowing has emerged, the long-term cost of direct circulation is likely to fall. With the introduction of the player this year, more concrete data will be available to help determine this factor.

Life-Cycle Cost Model

The summary from the introduction to the *Development of Life-Cycle Cost Model for DTBs* report, submitted to NLS by ManTech Advanced Systems International, describes the life-cycle model:

> "In FY 2000, NLS began using a Life-Cycle Cost (LCC) model developed under contract by Northrop to assist in the management of the free national library program. This model is effectively a Decision Support System (DSS) which utilizes various source data as inputs, most of which are updated annually, most of which are internal to NLS (including NLS contractors), but some of which are obtained from external sources. It provides NLS management with year-to-year comparisons of costs and activities crucial to operation of the program and is also used, to some extent, as a forecasting tool....
>
> "During the planned 4-year transition, the digital and cassette-based systems will operate concurrently, after which the digital system will effectively replace the cassette-based system...Because of these impending changes to operations, NLS requires that the existing LCC model be used to evaluate the operations of the envisioned future flash memory-based digital-delivery system."

The data in the LCC model were updated each year with actual data from the prior year's

production. Projections from this updated model indicated that by the year 2014, while the duplication cost of the 1.9 million book copies each year would increase due to the use of flash cartridges in place of cassettes, this added cost would be significantly less than the reduced cost of new, more durable machines with fewer repairs.

The LCC model provided estimates of future costs only in "steady state" scenarios–once the alternative system was fully in place. In order to provide estimates for the transition from the analog audio cassette-based system to the digital talking-book system, NLS employed a scenario-analysis approach, pricing each possible outcome based on a combination of known present prices with inflation added, and expert opinions on prices not yet defined (such as flash memory).

Once the contracts for the machines, flash cartridges, mailing containers, and audiobook duplication were awarded, the actual bid prices for option years were included in the NLS analyses. The revised estimates indicated that NLS would be able to reduce the risk of shortages and more closely meet patron demand.

Questions for the Record
Chair Wasserman Schultz
Fiscal Year 2010 Budget – Library of Congress
May 22, 2009

Overall Budget/Strategic Technology Initiative

Question. The justification for upgrading technology is the changing manner in which Library users access the Library and its resources, and your staff has talked repeatedly about the exponential growth in use of the internet. At the same time, we understand that physical use of the Library by researchers and scholars is declining quite rapidly. Can you quantify the decline in physical use of the Library? Will reduced physical use of the Library generate some level of savings to partially fund the technology upgrades?

Response. **Library Services (LS)** has been gathering daily usage statistics of its 15 reading rooms by counting unique individuals from sign-in sheets only since January 2008. To address the issue of changing usage patterns over time, annual circulation and in-person reference statistics represent primary indicators of onsite usage.

The following table captures collection items circulated for use within the 15 LS reading rooms, in-person reference service, and other direct reference services over the past five years (as published in Table 14-Reader Services in the Library's annual reports to the Congress):

	Fiscal 2004	Fiscal 2005	Fiscal 2006	Fiscal 2007	Fiscal 2008
Circulation of items for use within the Library	1,280,616	1,230,204	1,048,823	1,312,489	1,131,411
In–person reference service	370,279	330,945	311,250	320,298	305,298
Other direct reference service (correspondence, telephone, web-based/email)	311,985	336,464	322,146	349,270	318,047

The 5-year average for annual internal circulation is 1,200,709 items. The 2008 annual circulation total represents a decline of 149,205 items (-11.7%) since 2004, and 69,298 items (-5.8%) relative to the average number. The 2008 annual in-person reference service total represents a decline of 64,981 requests for service (-17.6%) since 2004, and a decline of 22,316

relative to the average number (-6.8%). Other direct reference services have increased. No monetary savings have accrued in LS from the decline in onsite book and reference service. Savings realized in staff time have been allocated to other duties also assigned to reference librarians and reading room technicians, including researching and answering Web-based reference queries via Ask-a-Librarian; creating and updating Web-based reference and research resources for patrons, such as electronic finding aids and collection guides; collection development tasks; and the internal tracking and inventory of discrete collections. There has in fact been no reduction in workloads for reading room staff. Reference librarians now practice "blended" reference service, simultaneously serving both in-person and online patrons. There are no significant staff cost savings in closing or combining reading rooms. There will always be a need for maintaining a high level of knowledge-based expertise to provide reference and reading room service for the Library's universal collections and worldwide patrons.

In 2006 the **Law Library** changed its method of measuring daily usage from a periodic sampling procedure (which may have resulted in counting the same patron more than once) to one where all users were counted upon arrival. Since implementation of this change, reported annual usage (i.e., users counted on arrival) has decreased by approximately 2,400. In 2008 the Law Library recorded 19,719 in-person users. Significantly, during this same period, congressional in-person user visits increased slightly (in 2008 the Law Library recorded 1,904 congressional user visits).

Comparable to the experience of LS, the Law Library reading room operations have experienced no cost savings in the areas of staffing or collections as in-person usage has declined. During this period, the Law Library instituted a digital reference/research program and responded to more than 4 thousand reference/research requests via e-mail last year. The same staff that provide in-person service now also responds to digital requests for assistance. Many of these come from federal agencies, the courts, state governments, and foreign governments as well as the Congress and the general public. In fact, this workload tends to be more complex in nature. This same staff also develops and maintains a rich array of digital resources and reports that appear on the Law Library's web sites for the Congress and the public. If anything, the demands on the Law Library's staff resources have increased rather than declined.

Collections in the reading room and of the Law Library meet standards established by the American Bar Association for accrediting law libraries. As the national law library, the reading room needs to contain core federal and state primary and standard secondary sources. Furthermore, Law's reading room space has been analyzed for efficiency, and modifications were made which eliminated approximately 50% of available reader space by converting it to critically required information research staff offices.

Question. Can you tell us what actions you and your staff have taken throughout the Library budget to identify potential savings which might be used to offset program enhancements?

Response. Many Library programs have sustained flat funding and some have experienced funding reductions through the last several budget cycles. As a result, service and support units routinely have had to streamline operations and consolidate functions, reshaping or scaling back

ongoing outlays. This internal shifting of resources is done more in response to unfunded and/or unforeseen requirements than to undertake optional program enhancements. This happens so routinely over the course of each year, it can not be characterized as a discrete set of actions. Examples of funding adjustments that the service units have made in recent years to address pressing priorities are listed in the following paragraphs.

In the last year, Library Services has combined acquisitions and cataloging operations, re-engineered workflows, and eliminated some traditional cataloging processes. Fiscal 2009 reductions diminished the service unit's capacity to support new initiatives in a significant way: In fact, to meet fiscal 2009 payroll and basic services requirements, more than $6 million in non-pay funding internal requests were denied and 100 requested positions left vacant. Essential facility work cannot go forward because of a lack of funding including the reconfiguration needed to relocate staff for implementation of the Acquisition and Bibliographic Access Directorate's reorganization. Heavily used public research areas, such as the areas housing Local History and Genealogy and the Technical Reports collections, need to be refurbished, but insufficient funds will forestall this work for the foreseeable future. Programs that are making a steady investment in the future of the Library and its collections, such as mass deacidification and binding, will need to be scaled back under a continuing flat funding scenario.

The Office of Strategic Initiatives has addressed new IT requirements over past years through realignments of base funding. IT infrastructure funding is requested in fiscal 2010 only because the investment that now is required goes significantly beyond a level that can be accommodated through a shifting of funding from ongoing programs. There are no additional innovations or efficiencies that can be found to elicit savings of millions of dollars. Until this point, internal IT realignments have been substantial. Savings of $1 million resulted from the retirement of the mainframe, funding that was used to upgrade the tape drives in the backup libraries, which increased the density of tape storage four times, resulting in decreased backup times and more frequent backups. Upgrading the tape drives saved approximately $1.2 million in media cost due to the four-fold increase in the tape density. Fewer tapes had to be furnished and Information Technology Sevices was able to delay purchase of tape library expansion. These savings also supported the purchase of a large IBM P-series machine needed to expand server capacity for the increase in applications, content management, etc. Negotiated enterprise maintenance contracts for both Symantec and Sun products resulted in annual maintenance savings of almost $600 thousand, funding that was used for further acquisitions of server and storage hardware to meet the increasing needs of the general application and financial hosting environments. Centralization and standardization of workstations resulted in cost savings of $1.2 million. These savings funded the increased costs of the user Help Desk contract and the labor to implement Internet 2 connectivity and Wireless Data Networking for visitors and Library patrons and employees.

The Law Library's lean budget offers no means to "carve out" programs or implement sweeping service reductions while also addressing core mission services. The Law Library has had to rely on receiving savings reallocated from other Library units at the end of each fiscal year in order to accomplish some strategic objectives. For the sake of efficiency, Law has provided core collection services through contract rather than with permanent staff. While there have been

minimal savings from positions not being filled, those savings have been diverted directly to other urgent needs, many unanticipated.

The Library's various management support offices are similar to the Law Library in their relatively small size and limited budgets. Before presenting requests for new fiscal 2010 funding, each has sought savings to offset new costs. The Office of the Librarian has delayed filling two positions, streamlined the use and fee payment process of contractual services for media communications, and imposed restrictions on the purchase of supplies. To address new requirements to strengthen the Library's Asset Control Program, Integrated Support Services closed the onsite Office Supply Store and reduced the use of travel, training, in-house supplies, and equipment. Program enhancements include transferring a supervisory position from the Supply Unit to create a new Asset Control supervisory position and implementing a new automated Asset Management Tracking System, replacing the outdated and inadequate DOS-based tracking system. The Office of Security and Emergency Preparedness has adjusted spending priorities to address unplanned contingencies by deferring security equipment replacements and upgrades and deferring maintenance schedules on security equipment.

In the Copyright Office, staff are committed to identifying potential savings to offset new needs. Examples of actions taken recently include using base funding for the eCO system upgrade and partnering with ITS to maximize the use of in-house resources and minimize duplication of effort. In CRS, significant cost-cutting measures were required in fiscal 2008 because that year's enacted budget was more than $6 million lower than the requested amount. In addition to reducing the workforce by 30 FTEs, total spending in non-pay accounts was reduced by 10 percent.

Staffing/FTEs

Question. I want to clarify if I can your current request for staffing. The table on page 11 of your budget shows a proposed staffing level of 3,770 FTEs. The only change in any office is the reduction of 102 FTEs associated with transfer of the Library police force. Are we correct that you are not proposing any changes whatsoever in the staffing of any of your other major offices or functions?

Response. The Library is not requesting any additional FTEs in fiscal 2010. Through realignment of existing FTE ceilings within PPAs, we will accommodate the request for program funding in fiscal 2010 of 18 FTEs –13 for OSI-Targeted User Interactivity, 4 for Library Services Ft. Meade implementation of modules 3 and 4, and 1 for the Law Library THOMAS web site management coordinator.

Question. The budget documents are very confusing about the number of FTEs which we are actually being asked to fund. For example, you indicated at last year's hearing that the FY 08 bill provided for 4,191 FTEs. This year's budget indicated that FTE usage for 2008 was only 3,584. This is more than 600 FTEs less than you indicated a year ago. This is more than just a technical matter as 600 FTEs translates to almost $60 million. Can you explain this discrepancy for the Committee for the record?

Response. Over the past several years the Library has carried more "authorized FTEs" than we have actually supported in dollars. This discrepancy was greatly exacerbated by the full-year CR in fiscal 2007 when the Library absorbed over $20 million in cuts and/or unfunded increases for mandatory pay and price level increases. The following language contained in the Explanatory Statement accompanying P.L. 110-161, Consolidated Appropriations Act, 2008, explains the problem and provided the opportunity for the Library to realign its' authorized FTE ceiling in relation to base pay funding –

> "As a result of cumulative operating plan funding realignments between pay and non-pay, the relationship between the pay base and authorized FTEs has become out of balance. To correct this imbalance, with the submission of the fiscal 2008 operating plans, appropriations adjustments must be reflected in the authorized FTE base to coincide with the base funding reflected in pay. The Committees expect the authorized FTE base for the Library to be supported by the pay base reflected in the Fiscal Year 2008 operating plans."

In the Library's fiscal 2008 operating plan, we realigned the authorized FTEs with funding provided and gave up 281 unfunded FTEs, reducing our authorized ceiling from 4,191 FTEs to 3,910 FTEs. However, the fiscal 2008 operating plan came after the fiscal 2009 budget submission, therefore, FTE levels in the two documents add to the confusion and discrepancies in the current budget.

Question. Page 11 of the 2010 budget shows a staffing level of 3,872 FTEs for 2009. Based on your current FTE usage to date, how many FTEs do you expect to actually use this year and what are the budget implications of this projection for 2009?

Response. Because of the long CR in fiscal 2009, the Library's service units had to delay hiring staff and realign funding to ensure that critical work was completed. The Library also supported additional FTE requirements through internal realignments as part of the fiscal 2009 spending plan. As a result of the delayed hiring, the Library's spending plan shifted approximately $4.2 million from pay to non-pay accounts. Based on current FTE usage and anticipated recruitment and hiring for the remainder of the fiscal year, the following table reflects the Library's projected FTE usage for fiscal 2009, and our anticipated year-end on-board staffing level:

Appropriation/PPA	Fiscal 2009		
	Authorized FTE Level	Projected FTE Usage	Projected Year-End On-Board
Library of Congress, S&E			
National Library:			
Library Services	1,607	1,525	1,567
Office of Strategic Initiatives	363	320	350
Law Library	101	93	99
Management Support Services:			
Office of the Librarian	153	140	149
Human Resources Services	69	65	66
Integrated Support Services	157	150	157
Security Office	126	110	24
Office of the Inspector General	18	18	18
Total, Library of Congress, S&E	2,594	2,421	2,430
Copyright Office, S&E	475	443	468
CRS, S&E	675	672	674
BBPH, S&E	128	118	126
Total, Library of Congress	**3,872**	**3,654**	**3,698**

Question. The 2010 budget requests that the Committee approve a staffing level of 3,770 FTEs. Are all of these FTEs fully funded in your request?

Response. Yes, if the Library receives all requested fiscal 2010 pay increases, the pay base will support 3,770 FTEs (subject to the margin of error of any such projection).

Books for the Blind/NLS

QUESTION. Have you surveyed the blind user community currently testing the new devices to determine how well they feel about the new machines?

RESPONSE. In the fall of 2003, NLS commissioned American Foundation for the Blind staff to conduct a patron survey to help anticipate and proactively address problems using the new equipment that patrons might have, identify possible barriers to patron acceptance, and design the new equipment so it would address patrons' reading needs.

Using a stratified random sampling, NLS conducted telephone interviews with 447 patrons in four age groups:

- Ages 18 – 39
- Ages 40 – 64
- Ages 65 – 84
- Age 85 +

The resulting analysis revealed that NLS is the primary source of playback equipment, the NLS machine is the one subscribers use most often, and their required talking-book library is the primary source of their reading material. It also revealed what patrons' top priorities for the new playback device were—having a smaller or lighter machine, the ability to find one's place after having fallen asleep, and better sound quality—and thus helped determine the specifications for the design of the digital talking-book player.

With the results of the survey in hand, NLS set about conducting a series of usability tests with patrons to ensure that the final digital talking-book system would be acceptable to our readers.

In April 2005, seventy-nine users participated in focus groups in Baltimore; Los Angeles; Clearwater, Florida; and Madison, Wisconsin. An NLS contractor tested initial concepts for products (considering size, shape, general features, etc.) and validated that NLS's initial requirements for the playback machine, cartridge, and mailing container were, in general, correct and reflected the needs of users, library staff, and repair personnel. Results supported the need for two machines—a basic player aimed at the majority of NLS users and an advanced player designed for patrons who wish to have more complex navigation capabilities.

In July and August 2005, the contractor tested preliminary prototypes with sixty-five users in Baltimore, Cleveland, and Madison. The prototypes were realistic models that allowed the contractor to determine how easily users could learn new features and how effectively they could execute specific tasks. The key elements tested were the layout and operation of controls (both basic and advanced models), the design of the cartridge, its insertion into the machine, the use of the handle, and the stowing of the power cord.

QUESTION. Can Library of Congress digital books also be used on commercially available machines for the disabled that are now coming on the market?

RESPONSE. There are three commercial machines available that are capable of playing NLS digital talking books: The Victor Reader Stream, developed by HumanWare in Canada; the Icon, designed and manufactured by LevelStar in Louisville, Colorado; and the Braille+ Mobile Manager, manufactured by the American Printing House for the Blind in Louisville, Kentucky.

None of these players is fully appropriate for use by the majority of NLS patrons as the controls of these machines are unsuitable for unsophisticated users and patrons with limited dexterity. The price of the commercial players is also a factor: the Victor Reader Stream costs $350--$400 and the Icon and the Braille+ Mobile Manager retail for approximately $1,400 each.

QUESTION. Is it possible to download books directly into the new machines?

RESPONSE. There is no machine designed for blind readers that allows NLS books to download directly into the playback machine or onto cartridge. However, the NLS Braille and Audio Reading Download (BARD) program is designed to allow patrons to download books to their computers and from there to a cartridge.

QUESTION. What level of confidence do you have in the cost estimates in your current budget for the final four years of the digital conversion project?

RESPONSE. With the current budget, we have full confidence that we will complete our final years of the digital conversion as projected

QUESTION. On a separate topic but still on the Books for the Blind program, we read last month that use of braille by blind people is down dramatically. This AP story said that less that 10 percent of visually impaired adults now use braille compared to 50 percent in the 1950s. What are the implications of this for your program?

RESPONSE. The interpretation of statistics on the number of blind persons who can read braille is extremely complex. Sources differ widely on the definitions used to aggregate the base population. The most recent national study of blind persons that inquired about reading medium was conducted in 1979 by the American Foundation for the Blind (AFB) on behalf of NLS. More recently, in 1996, AFB estimated that 85,000 blind adults in the United States read braille. AFB concludes that this number is about 10 percent of the then-estimated legally blind population. That population includes a large number of people who can read print, especially with magnification. They further point out that their estimate is about 40 percent of the estimated functionally blind population.

The statistics on the number of blind children being taught braille are based on data from the American Printing House for the Blind (APH). In fiscal 2007, APH reported the following breakdown among blind students:

Visual reader (students primarily using print)	15,503
Braille reader (students primarily using braille)	5,626
Pre-reader (students working on or toward a readiness level; infants, preschoolers, or older students with reading potential)	3,942
Non-reader (students who show no reading potential)	13,031

If non-readers and pre-readers are removed from the analysis, braille readers account for 22 percent of blind and visually impaired students.

The National Federation of the Blind and other organizations have worked diligently over the past 20 years to establish "braille bills" in the various states. These laws require that a blind child be taught braille unless there is a compelling reason to do otherwise. At last count, thirty-three states had passed a version of a braille bill.

Whether as a result of braille bills, the increased use of braille technology, or other factors, NLS statistics are showing a positive trend for the number of braille readers using NLS services. In 1973, the number of braille readers using NLS services was 18,910. In 1984, this number dropped to a low of 16,980. It then steadily climbed through the next two decades to reach 22,060 in 1990 and 30,827 in 2000. By 2008, the number of braille readers using the NLS service had reached 43,569, 256 percent higher than it had been 25 years earlier. Therefore, NLS expects to maintain at the least the current level, with a significant possibility of continued growth.

QUESTION. Can you tell us how much you anticipate it will cost to mail recorded books on flash memory this year and next and who pays the cost?

RESPONSE. The United States, like most countries, underwrites the costs for Free Matter mailings, and the U.S. Postal Service (USPS) is reimbursed for the incremental costs that it incurs via congressional subsidy. Nevertheless, NLS realizes the integral role that the USPS and Free Matter mailings play in the program, and has taken several steps to reduce the associated mailing workload.

NLS has not explicitly estimated the current mailing costs for the free national library program. In 2007, an analysis was performed of program mailing costs, which included the mailing of audiobooks and magazines, playback machines, and braille books. Alternatives to USPS delivery were evaluated as well as estimates for USPS-incurred costs.

When an NLS contractor performed a study to determine whether the audio magazine program should be converted from flexible disk to cassette, Free Matter mailing costs were considered in the analysis. Mailing costs in this study were estimated for the flexible-disk-based system and for both one-way and returnable cassette-based delivery systems.

The current Life-Cycle Cost (LCC) model has a table that addresses mailing costs, which has

estimated that, though the digital talking-book system weighs less than the current cassette system, the weight difference is not significant enough to affect mailing costs. Costs are therefore projected to remain about the same as current costs.

Some initiatives NLS is implementing will reduce USPS workload associated with the program. The implementation of the NLS Braille and Audio Reading Download (BARD) program will reduce workload because some of the audiobooks and magazines will be delivered via the Internet rather than mailed. Finally, the contractor who designed the DTB container and NLS have worked closely with the USPS in the design of the new container to minimize costs to the USPS and delivery time of materials to patrons.

QUESTION. We understand that most books and periodicals circulated to National Library Services users are not specifically requested but are circulated based on a Library of Congress methodology that predicts user interests. Could you explain how this system works and specifically what portion of your circulation is specifically requested by users?

RESPONSE. We believe you are referring to the generic user profile forms that readers may elect to use. With these profiles, readers indicate the types of reading materials they wish to receive automatically.

Because most patrons are unable to visit their lending library, they receive book service through the mail and reader advisory service by telephone. There is a process in place to make them aware of new books added to the collection. This is done through a bimonthly publication, *Talking Book Topics* (TBT), which is a listing of the new audio books. Annually the contents of TBT are cumulated and sent to readers to facilitate selecting books. NLS also produces subject bibliographies and makes them available to patrons.

NLS provides network libraries bibliographic information for each title added to the collection. This bibliographic information includes subject codes for nonfiction titles and genre codes (mysteries, romances, westerns, and so on, for fiction). Many network libraries further refine these headings to ensure they meet patron needs.

Readers are encouraged to select their own books, and many do. However, just as any public library will provide reader advisory services, so do participating Library of Congress network libraries. Often readers in public libraries will ask for "a good mystery" or books like the ones written by Agatha Christie, and so do readers with the Library of Congress program. Network library reader advisors discuss with the patrons their preferred authors or subject areas (genres) to ensure that patrons receive the types of books they enjoy. Specific authors or subjects are sent to the reader as requested in the genres and quantities requested. This process is constantly refined as communication between the network library and the reader continues.

While NLS collects and maintains circulation statistics, it does not specifically track whether loans are patron- or library-selected. All patrons receive materials that they have either specifically requested or identified through an author or subject areas of interest.

NLS produces a publication, *Magazines in Special Media*, which lists magazines available from multiple sources. Magazines are sent to readers only when specifically requested by title. No magazine is sent to a reader by the Library of Congress or network library staff without expressed reader request.

QUESTION. Given the high cost of mailing books, has this system of determining user preferences been evaluated in recent years?

RESPONSE. The process of ascertaining patron preferences is continually refined through interaction between patrons and their network reader advisors.

Internal Audit Deficiencies

QUESTION. This may or may not be critical, but I was concerned by a submission as part of the Library's annual financial statement for 2008 identifying weaknesses in safeguarding "heritage resources." The statement from your auditor Kearney & Company was "Library management cannot provide reasonable assurance that the internal control structure over the safeguarding of heritage assets against unauthorized acquisition, use, or disposition was effective...." Can you explain this finding for the Committee? Should we be concerned?

RESPONSE. There is no finding on the Library's heritage assets in the financial statement report. The auditors are agreeing with the statements that the Library makes in Section 3 of the report. The Library states in Section 3 of the report that:

- "we cannot provide reasonable assurance that the internal control structure over safeguarding the Heritage Assets...was completely effective as of September 30, 2008, for all of the Library's collections."

- "the collections exist to be used, and management accepts the responsibility of mitigating risk to the collections at the same time it fulfills its mission of service to the Congress and the nation". We are a Library and not a museum and as such, there are risks to our collections when they are used as intended.

The Library has made this assertion for more than a decade. We have made improvements since making the first assertion in the mid 1990's. We now can assert that bibliographic, preservation, and physical security controls are applied to all items newly acquired for the collections. We also continue to make strides in this area so that additional positive assertions can be made in the future.

Miscellaneous

QUESTION. Your budget includes an increase of $2,971,000 related to increasing the transit subsidy from $110 per month to $230. This estimate seems to imply that approximately 2,100 of your 3,700 employees get the transit subsidy at the full amount. Is that accurate?

RESPONSE. In fiscal 2008, approximately 2,800 employees participated in the Library's transit subsidy program, of which 65% received the current monthly maximum of $110. The passage of the monthly transit subsidy increase to $230 represents a monthly maximum increase of 109%. The fiscal 2010 requested increase was calculated as a percentage increase against the current funded transit base.

QUESTION. The object class table on page 9 indicates that you are proposing a 30 percent increase in the expense category "advisory and assistance services." This sounds like what in most businesses are consultants. Can you tell us what is involved here and why such a large increase?

RESPONSE. Object class 25.1 – Advisory and assistance services covers all services acquired by contract from non-Federal sources as well as from other units within the Federal Government. The fiscal 2010 total requested increase of $5.948 million is detailed below.

Price Level:	
General inflationary increase @ 1.4%	**$ .274**
Program Increases:	
Library Services – Evaluating Technologies	$1.000
OSI – Technology Infrastructure	1.650
OSI – Legislative Information System (LIS)	1.574
Law Library – Global Legal Information System	.150
ISS – Ft. Meade Implementation, Modules 3 & 4	.100
CRS – Enhanced Access to CRS Expertise	1.200
Total Program Increases	**$5.674**
Total Advisory and Assistance Services Requested Increase	**$5.948**

Library of Congress
Copyright Office
Questions for the Record
Chair Wasserman Schultz
June 1, 2009

1. I am concerned over the number of copyright claims that are currently in process and its impact on individuals who register their works with the Copyright Office. You state in your written testimony that the number of claims "in process" has more than doubled during the last year to over 500,000 claims today.

Question. Can you tell us how this backlog has affected the average processing time for claims and what impact this is having on individuals or organizations seeking copyright services and protections?

Response. As the volume of claims in process has grown, the pendency time for claims submitted by the various sources has grown. Current pendency times are as follows:

E-Service with Electronic Deposit: 5 months for 90% to be completed; 33% completed in 2.5 months
E-Service with Physical Deposit: 6.5 months for 90% to be completed; 33% completed in 3 months
Paper Claims: 18 months for 90% to be completed; 33% completed in 12 months

Increased pendency affects the timeliness within which remitters receive a registration certificate. We find current delays in processing claims filed on paper applications unacceptable and are working diligently on reducing processing times to a reasonable duration. However, it is important to understand that ownership and copyright protection exist the moment a work is created and fixed in a tangible form. Accordingly, delays in registering claims filed on paper applications do not jeopardize the copyrights of authors and creators. In fact, the effective date of registration is generally the date the application, work to be registered and fee are received by the Copyright Office, not the actual date the registration process is completed. While it is true that copyright registration is required before a suit for copyright infringement can be filed, the Copyright Office always has offered expedited registration for copyright owners who need to file suit.

2. Timely registration of copyright claims is critical under many circumstances. I know the Copyright Office embarked on a reengineering process a year and a half ago intended to improve operations. Unfortunately, the backlog of claims seems to continue to grow.

Question. What additional changes have you put in place to try to address this problem both this year and in 2010?

Response. It should be noted that reengineering encompassed not only the implementation of a large scale information technology system but a reorganization of staff and the introduction of substantially new positions, all of which required a massive training effort. As of February 2009, all employees have completed a minimum of one year of hands on training working in the reengineered processing environment, and additional/remedial training is still being offered on a case-by-case basis.

From late 2008 through the end of April 2009, the Office hired a total of 17 new Registration Specialists (a nearly 20 percent increase in the number of Registration Specialists on staff) to bring staffing levels across all three registration divisions to pre-reengineering levels, and the new hires are already reviewing claims as part of their accelerated training program. As these new hires gain experience and achieve full independence, the productive capacity of the registration program as a whole will increase significantly.

Through a continuous improvement program, the Office has initiated workflow adjustments. Most recently, a change to dispatch procedures resulted in a significant increase in the volume of copyright deposits dispatched each week and at the same time removed a time-consuming administrative task from Registration Specialists that dampened their productivity. This change required neither IT enhancements nor staff retraining. An earlier workflow adjustment to the way claims with fee-related issues are managed also improved processing throughput. Incremental enhancements to the IT system based on feedback from internal and external users have also improved productivity. Collectively these activities have played in a role in the doubling of productivity in the registration program over the past 12 months. We are still identifying and working toward more efficient and improved processes, including the upcoming beta testing of online Group Serials registration.

Copyright Office management has partnered with staff to develop creative approaches to managing workflows. For example, supervisors and staff in the Literary Division devised and piloted a "green bucket/red bucket" project whereby Sr. Registration Specialists quickly identify easily clearable claims, which are placed in a "green bucket" for further processing by more junior staff, and claims requiring correspondence, which are placed in a "red bucket" to be handled by senior specialists. Through this division of labor, more claims are cleared on average per hour during periods in which the "green bucket/red bucket" project is run. The Office will continue to develop, pilot and implement (if successful) new ways to process work. The Office also authorizes overtime work judiciously to attack specific areas of the backlogged claims.

The Office recently released an RFP for contract support to help manage a significant upgrade to the system that supports the electronic Copyright Office or eCO. The newer version of the software has improved system development techniques significantly reducing system customization and will provide for a better processing system. The Office is also in the process of purchasing new hardware to ensure continuity in eCO's current production environment. Both of these efforts will result in a more stable and robust system with greater functionality for both internal and external users.

3. ***Question.*** Is the delay in processing new requests a problem of antiquated systems, not enough personnel, or not enough money? Or is it a combination of the three?

Response. This is a combination of three elements: (1) insufficient staffing in the key areas of registration, information technology and in-processing; (2) additional information technology contractor support to implement programs already identified to improve technology operations and (3) a systemic upgrade to improve client and internal user operability. Plans supporting these proposals are in place if authorization becomes available.

4. More than half of the work of the Copyright Office is self financed through fees. I understand that your office has a new schedule of fees for copyright registration that you hope will go into effect by August 1, 2009. Under this new schedule, fees for claims filed by paper are set at $65 and claims filed electronically are set at $35.

Question. Can you tell us the rationale for this revised fee structure and what impact you believe these fee changes will have on the number of claims in process and average pendency?

Response. We undertook an activity based cost study of Copyright Office processes in 2008, and the findings support a new three-tiered fee structure that aligns with the three filing options available to the public. According to the cost study, the efficiency gains offered by increased automation support continuation of the lowest fee ($35) for claims filed online via eCO. Form CO, which is completed by remitters online and prints with several 2-D barcodes that capture the information keyboarded into the form, enables relatively efficient processing. However, the cost study indicates that a slight fee increase (from $45 to $50) is warranted to reflect the costs associated with manual form scanning and fee processing. To process traditional paper applications, Office staff must digitize, manually enter and verify the information provided in the form, and process the accompanying check or money order even before the substantive review of the claim begins. The amount of manual labor involved in processing traditional paper forms justifies a significant fee increase (from $45 to $65). The practical outcome of the new fee structure will be to attract more remitters to e-filing, which will have a very favorable mid- and long-term effect on both the volume of claims in process and the average pendency. With a combination of fee adjustments and the improved eService following the eCO upgrade, we are expecting an 80-85% electronic filing rate.

WEDNESDAY, APRIL 29, 2009.

OPEN WORLD LEADERSHIP CENTER

WITNESS

AMBASSADOR JOHN O'KEEFE, EXECUTIVE DIRECTOR

OPENING REMARKS—CHAIR WASSERMAN SCHULTZ

Ms. WASSERMAN SCHULTZ. Continuing on, we have Ambassador O'Keefe, who is the Executive Director of the Open World program, who has joined us along with Dr. Billington. Ambassador O'Keefe, I want to welcome you on behalf of the subcommittee.

You have, at least with me, a fairly Herculean task, and that is to justify, or at least attempt to justify, your 2010 budget request for the Open World program. As I have made clear many times, both in public and in private, it is difficult for me to see how we continue to fund this program in this budget with all the needs that we have. To me, it continues to be a square peg in a round hole. Folks argue whether it is a worthwhile program or not.

I have a difficult time—knowing the priorities that we have through all of the agencies and particularly knowing the funding demands for the Library—continuing to be able to justify funding at a level—funding it at all, but funding it at the level that we do in this bill.

It is simply not a legislative function, in my opinion. And really what we have been working towards with you—or trying to work towards with you—is weaning you off the Legislative Branch budget, either through project fundraising or through access to funding from another more appropriate agency or branch of the government.

But if we are looking at the funding decisions that we need to make, we have to fund a new radio system to the tune of $70 million to $100 million, perhaps more, depending on what happens with the conclusion of the report that we are expecting; technology upgrades at the Government Printing Office; more staff at GAO; additional enhancements at the Library, and the list goes on. So I am hopeful that you can tell us during the hearing this afternoon that you have made progress in developing alternative funding sources for Open World.

As I told you privately—and I am sharing publicly with everyone what I said privately in my office—my goal is that at least 50 percent of the cost of your program be funded outside of this bill after this year. So I hope that you have been successful and that you have a lot of good things to report.

And I look forward to hearing from you, Mr. Aderholt.

OPENING REMARKS—MR. ADERHOLT

Mr. ADERHOLT. Thank you, Madam Chair.

Thank you for joining us today, Ambassador O'Keefe.

OPENING STATEMENT OF AMBASSADOR O'KEEFE

Ambassador O'KEEFE. Thank you, sir. It is an honor to be here today. And, Madam Chair, Mr. Aderholt, distinguished members of

the subcommittee, thanks for the opportunity to testify on Open World Leadership Center's fiscal year 2010 budget.

As the Center's Open World program matures, we see it growing in significance for both the American communities and organizations that make it successful and for the participating young leaders in countries of strategic interest to the United States.

EFFECTIVENESS OF OPEN WORLD

Our board chairman, Dr. James Billington, 10 years ago this month proposed what Under Secretary of State for Political Affairs William Burns has said is the most effective exchange program of the many he has been involved with.

In 1999, with strong bipartisan support from Congress, Dr. Billington and then ambassador to Russia James Collins brought forward a leadership exchange program that has benefited both the United States and new countries born from the breakup of the Soviet Union. Thanks to Open World, there are scores of Russian nonproliferation experts who now know their American counterparts and have a greater sense of joint purpose. There are antitrafficking advocates and officials in Ukraine who have a better understanding of how to track down the perpetrators of this crime and assist their victims. There are mayors and city counselors in Moldova and Azerbaijan who are making local governments more open and responsive to ordinary citizens.

To give just one example of the caliber of delegates that Open World hosts, Veronica Marchenko, a Russian NGO leader and Open World alumna, last month received one of the Secretary of State's 2009 International Women of Courage Awards from Secretary Clinton and First Lady Michelle Obama.

In reviewing this legislative branch agency's effectiveness over the years and our successful expansion beyond our original focus of Russia to Ukraine, Moldova, Caucuses, and Central Asia, I have to give credit to our dedicated staff and our partner host organizations that provide volunteer experts and home hosts across the country. I am honored to serve a program with such broad support in U.S. communities and in countries where we operate and that is constantly building partnerships between the two.

In 2008, we sent delegates to 355 communities in 202 congressional districts. Seven hundred and fifty American families homehosted these first-time visitors to the United States. We will attain that same broad geographic distribution in our hosting program this year.

To give you a feel for the enthusiasm, there are twice the number of willing American volunteer hosts than there are participants that we can afford to bring.

OPEN WORLD STRATEGIC PLAN

Our request this year reflects the revised strategic goal approved by our Board of Trustees. The original strategic plan called for a 20 percent expansion in participant numbers by 2011. Even with economies of scale, gifts and a cost reduction, such a goal would call for a substantial budget increase, which the board believed was not feasible at this time. Therefore, our request this year of $14.456 million is $546,000 above last year's appropriation, a 4 per-

cent increase. This amount will support our expansion to Armenia in 2010 and will allow us to take advantage of the great opportunities that may open up with the changing of U.S.-Russian relations and developments in Ukraine, Georgia and elsewhere in the region.

Our strategic plan calls on us to diversify funding, a goal I know that you share, Madam Chair. Currently, an amount equivalent to 19 percent of our appropriation comes from cost shares, gifts, transfers from other agencies and in-kind contributions. To increase that percentage, former Representative Robert "Bud" Cramer, an exceptionally committed member of our board, is working with us to seek funds from foundations active in the region.

Our chairman, Dr. Billington, has been unstinting in his efforts to raise funds and to establish long-term cost-sharing arrangements. Dr. Billington and I are scheduled to meet with House Foreign Operations Appropriations Subcommittee Chairman Nita Lowey on May 13th to see if a portion of our funding might come from the Foreign Operations appropriation.

After the July summit between Presidents Obama and Medvedev, there may be opportunities to engage the private sector this autumn and in 2010.

POWERFUL TOOL FOR CONGRESS

So, Madam Chair, Mr. Aderholt, members of this committee, Open World's Board and its hosting partners throughout the United States have created a powerful tool for Congress and our Nation to forge human links to the strategically important heartland of Eurasia. I seek your support to continue our efforts in the next fiscal year.

Thank you for your attention.

[Ambassador 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 2010 Budget Request
April 29, 2009

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 2010. The Open World Leadership Center, of which I am the Executive Director, 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. All of us at Open World are very grateful for Congress's continued support and for Congressional participation in the Program and on our governing board. We look forward to working with you on the future of Open World.

Last year, American volunteers in **44 states and 202 Congressional Districts** home hosted Open World participants, contributing a large portion of the approximately $1.8 million given to the Program in the form of cost shares—an amount equal to 20 percent of the Center's fiscal year 2008 appropriation. Even though Open World is an international exchange program, more than **75 percent** of Open World's fiscal year 2008 appropriated funds were expended on U.S. goods and services through contracts and grants.

More than 14,000 emerging leaders from Russia, Ukraine, Azerbaijan, Georgia, 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.

In fiscal year 2008, Open World had a 35 percent reduction in appropriated funds, which would have translated into an estimated 37 percent reduction in grants to U.S. organizations. However, through cost shares, staff cuts, contract terminations, an interagency transfer, and withdrawals from Open World trust fund reserves, the Center was able to maintain the quality of the Program and the number of participants at levels consistent with prior-year averages.

The Center's budget request of $14.456 million for fiscal year 2010 is a modest 4 percent increase over the fiscal year 2009 level of $13.9 million, even though the cost of the logistical services contract will rise 6 percent. We will close this gap and maintain a participant hosting level of 1,400 through additional cost shares, with a portion coming from our partners abroad. We estimate that, as occurred with our fiscal year 2008

appropriation, more than 75 percent of the appropriated funds will be spent on U.S. goods and services, including $4.16 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 Cost-Share Efforts

The Center actively seeks a wide range of partners to diversify funding and strengthen the Open World Program. In 2008, the Center received interagency funding and direct contributions totaling over $900,000. Cost shares, mainly from American grantees and hosts, added an estimated $1.8 million. We received pledges of $950,000 as gifts (for a three-year period) directed to programs not supported by appropriated funds. These pledges include a $500,000 commitment (to be spent over three years) for our alumni program from Open World Trustee George Argyros, and $450,000 (to be spent over three years to host health and education leaders from the Republic of Buryatia) from Senator Vitaliy Malkin of the Russian Parliament. To date, we have received $482,000 of the $950,000 pledged.

An interagency transfer of $530,000 from the National Endowment for the Arts (NEA) to support all the hosting costs of the Russian Cultural Leaders Program represented a 6 percent increase over NEA transfers in previous years.

In 2007, the Center initiated a cost-share reporting requirement for all grantees in an effort to track the generous in-kind support that they and local hosts provide to the Open World Program. The Program received an estimated $1.75 million in donated goods and services from hosts and grantees in 2007—**equal to 13 percent** of the Center's fiscal year 2007 appropriation. We expect to see a slightly higher share for 2008 when the cumulative figures become available later this spring.

The Open World alumni program is paid for exclusively with nonappropriated funds. Open World has actively sought in-kind opportunities and cost shares in this area as well.

Numerous U.S. judges and legal professionals involved with Open World exchanges make independently financed reciprocal trips to meet with program alumni. In 2008, 61 American jurists involved with Open World's rule of law program made such reciprocal working visits to Open World program countries. Reciprocal visits with alumni help fulfill Open World's mission of strengthening peer-to-peer ties and partnerships.

Open World and Congress

As a U.S. Legislative Branch entity, the Open World Leadership Center seeks to link Congress's foreign policy interests with citizen diplomacy. The Program proactively

involves Members of Congress in its programming and strives to make this programming responsive to Congressional priorities. In 2008, nearly one out of four (353) Open World participants met with Members of Congress and Congressional staff, either in Washington, D.C., or in the Members' constituencies.

A majority of the trustees on the Center's governing board are current or former Members of Congress. The Center also regularly consults with the House Democracy Assistance Commission (HDAC), the Commission on Security and Cooperation in Europe, the Congressional Georgia Caucus, the Congressional Ukrainian Caucus, other Congressional entities, and individual Members with specific interests in Open World countries or thematic areas. Moreover, in 2008, for the first time, the Center partnered with HDAC to provide Open World programming to three Ukrainian and six Georgian parliamentary staffers. The Center hopes to build on this partnership and to continue its success in the coming years.

Measures of Success

The Open World Leadership Center tracks the results of the Open World Program 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 2,000 results (see attached Results Chart). Some representative results are:

- A Russian alumna was one of seven recipients of the Secretary of State's 2009 International Women of Courage Awards. Accompanied by First Lady Michelle Obama, Secretary Clinton praised the alumna for her "stalwart leadership in seeking justice for the families of bereaved [military] service members."

- Ukrainian alumna Anzhela Lytvenenko and her organization Successful Woman won a $15,000 Democracy Grant for a project to improve government/NGO cooperation on human-trafficking prevention in Ukraine's Kherson Region.

- An Azerbaijani alumnus designed a brochure for recruiting citizen election monitors based on a form for enlisting campaign volunteers that he obtained from Representative John Sarbanes (MD) during an April 2008 Open World visit to the Baltimore area.

- Open World host and Atlanta-Tbilisi (Georgia) Sister City Committee Chairman John Hall partnered with alumni in Tbilisi to organize an economic summit in Atlanta in December 2008.

Open World 2010 Plans and 2009 Activities

In 2010, Open World will carry out the goals of the recently revised Strategic Plan (2007–2011) as approved by the Board of Trustees, focusing on quality control of nominations and U.S. programs. We plan to expand to at least one additional country (Armenia), and we will continue our effort to diversify our funding. We will add more delegates from Central Asia and the Caucasus while proportionally reducing the number of Russian delegates.

We will host additional members of the national legislatures of Open World countries located in Central Asia and the Caucasus, based on reports of the effectiveness of Open World parliamentary hosting received from the U.S. Embassies. The Center will also continue the rule of law programs for participating countries where we are finding substantial cooperation and movement toward an independent judiciary. We will foster sister states/sister cities programs in many locations in the United States, and broaden efforts in the cultural field, where, through our Russian Cultural Leaders Program, we have, for example, benefited museums in the Midwest thanks to our partnerships with the Likhachev Foundation and the American-Russian Cultural Cooperation Foundation.

In cooperation with the Department of State, we plan to intensify our work with women leaders. With funding in 2010 at the requested level, Open World will continue to share America's democratic processes and institutions, send about 1,400 participants to homes throughout the United States, and spread a wealth of American experiences to borders beyond our own.

For 2009, Open World continues to host in thematic areas that advance U.S. national interests, generate concrete results, and support U.S. organizations and communities engaged in these thematic areas. This programming emphasizes and builds on Open World's incremental successes in the fields of governance (emphasizing 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, environmental issues, and ecotourism. This year Open World will also increase its non-Russian programming to approximately 45 percent of its total programming (up from 36 percent in 2008 and 23 percent in 2007).

Demonstrating Open World's commitment to supporting existing partnerships and initiatives, an estimated 70 Open World hosting programs (31 percent of all 2009 programming) will be conducted by Americans with established partnerships in Open World countries. For example:

- Freedom House, a nonprofit, nonpartisan organization that serves as a voice for democracy and freedom, will host accountable governance delegates from Kharkiv, Ukraine, in their U.S. sister city of Cincinnati.

- Building on a 15-year-old relationship between Maryland and Russia's Leningrad Region, the Office of the Secretary of State of Maryland will

host an accountable governance delegation from the Leningrad/ St. Petersburg area in 2009.

- In the area of human trafficking, one of Open World's veteran grantees, the Terrorism, Transnational Crime and Corruption Center, will be hosting some of their Russian partners and colleagues on a program focused on combating child exploitation and trafficking.

Turning to post-visit initiatives for alumni, the Center plans, using private funds, to host two results-oriented one- or two-day thematic workshops in Russia, one of which will highlight Open World's nonproliferation program. Another 20 or so half-day events will be held in Russia and other Open World countries on topics proposed by alumni.

Open World and Shared Funding

In response to the language of the Omnibus Appropriations Act, 2009 (Public Law 111-8), Chairman Billington and I have met twice with senior officials of the Department of State and with officials from the Administrative Office of the U.S. Courts to discuss shared funding. The Center has also discussed cost-share arrangements with the Russian Supreme Commercial Court. The Court has tentatively agreed to share the cost of bringing Russian commercial court judges to the United States on Open World for hosting by American judges. We remain committed to working with the Subcommittee and our Board of Trustees to pursue any alternative sources of funding, and we will report back on our findings by no later than May 30, 2009.

Fiscal Year 2010 Budget Request

The Center's budget request of $14.456 million for fiscal year 2010 is a 4 percent increase over the fiscal year 2009 request of $13.9 million. Funding at this level will enable the Center to continue its proven mission of hosting young political, civic, and cultural leaders from Russia; maintain its important program for Ukraine; and continue smaller but growing programs in the Caucasus and Central Asia. The Board of Trustees believes that maintaining a robust grassroots-based Open World presence in Russia is necessary and important for future U.S.-Russia relations, but programs in expansion countries continue to account for a larger percentage of hosting than in the past.

The budget request maintains hosting and other programmatic activities at a level of approximately 1,400 total participants, which remains far below the limit of 3,000 set in the Center's authorizing legislation. Actual allocations of participant slots to individual countries will be based on Board of Trustees recommendations and consultations with the Subcommittee and U.S. Embassies. The requested funding support is also needed for higher salary costs in fiscal year 2010, as well as for increased logistical costs due to higher airfares and less favorable exchange rates. Even so, more than 75 percent of the Center's appropriation will be spent in the United States (mainly

on grants to hosting organizations located in Congressional Districts throughout the country or on contracts with U.S.-based entities).

Major categories of requested funding are:

- Personnel Compensation and Benefits and other operating expenses (**$1.43 mil**)
- Contracts (**$8.86 mil** – awarded to U.S.-based entities)
- Grants (**$4.16 mil** – awarded to U.S. host organizations)

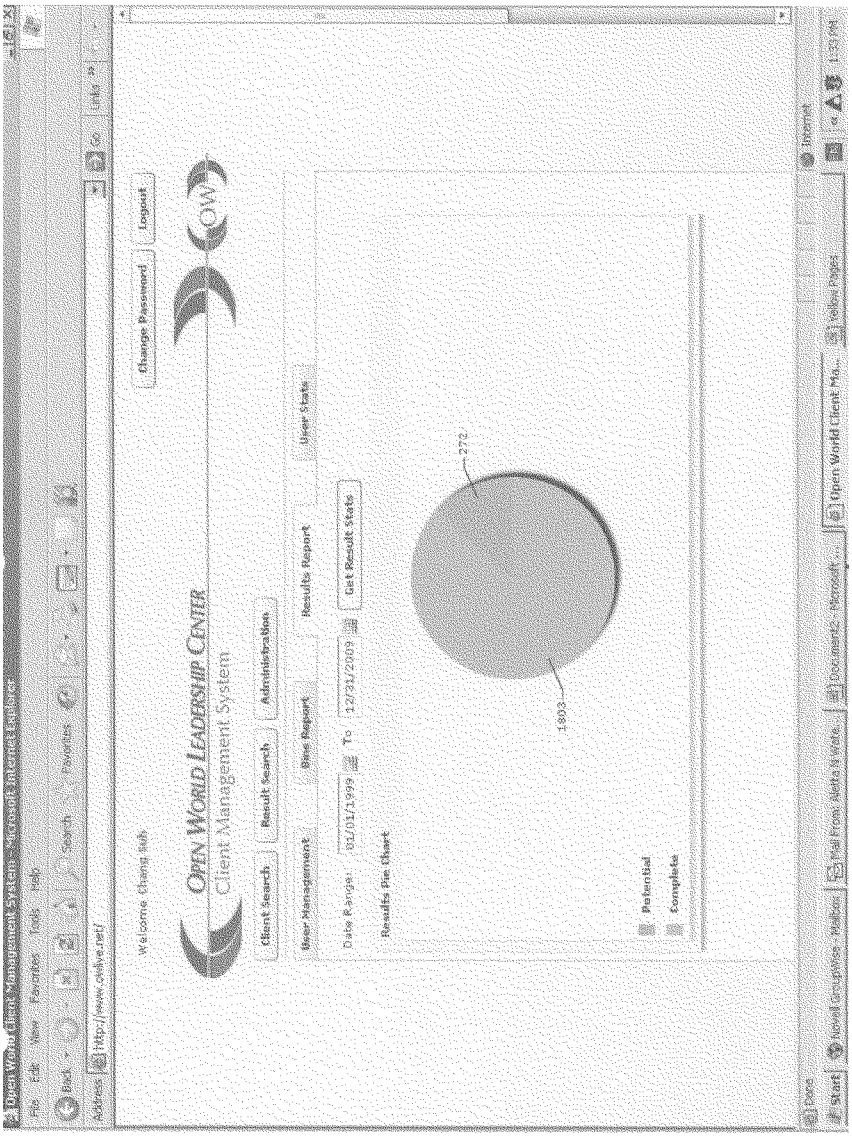
The Center also requests Subcommittee approval of an amendment to its statute. This proposed amendment will enable the Center to improve the Open World Program's administration and to build upon its successful civic and cultural exchange programs by encouraging interaction with and among program alumni, and by extending the cultural program to new countries if approved by the Board.

Conclusion

State Department Under Secretary for Political Affairs William Burns said that Open World is the most effective exchange program of the many he was involved with while serving as ambassador to Russia and, earlier, as assistant secretary in the Bureau of Near Eastern Affairs. While Open World's results are often measured in quantitative terms, the Program has a profound impact that is captured in anecdotes and qualitative feedback from participants. The editor of a major Russian regional newspaper told his readers in a post-visit article that, after his Open World program in New Hampshire, he saw no basis for any future U.S.-Russia conflict (*Volna*, January 29, 2008). An alumna who sits on a Russian regional supreme court wrote an e-mail to Open World organizers stating: "I can say unequivocally that the [Open World] visit not only changed my view of the Russian Federation's judicial system, but also brought about an overall change in my worldview as a whole."

Funding the 2010 Open World Program at the requested level 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 renewed interest to U.S. foreign policy.

The fiscal year 2010 budget request will enable the Open World Leadership Center to continue making major contributions to an understanding of democracy, civil society, and free enterprise in countries of vital importance to the Congress and the nation. The Subcommittee's interest and support have been essential ingredients in Open World's success.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NEED FOR SPENDING REDUCTIONS

Ms. WASSERMAN SCHULTZ. Thank you, Ambassador. I appreciate your statement, and your full statement will be entered into the record.

I want to read a letter that each committee chair received from the Speaker:

Thank you very much for your continued commitment to a vigorous oversight and reform agenda. In response to my letter of February 19th, the House chairmen developed a requested schedule for regular and thorough oversight of the departments, programs and budgets under their jurisdictions. We are dedicated to carefully scrutinizing programs and agencies to cut wasteful, obsolete and duplicative spending.

As of the beginning of this month, House committees under Democratic leadership have already conducted more than 162 oversight hearings; and over 100 more are in the planning stages for the coming months. Our commitment is not to programs but to the goals and objectives determined by the Congress to best serve the needs of the American people. If there is a way to achieve those goals and objectives more efficiently, with less cost or duplication, then the 111th Congress is committed to ensuring that changes are implemented.

I would appreciate your developing a list of proposed reorganizations and spending reductions within your committee's jurisdiction based on your planned oversight review.

And I will ask unanimous consent to enter the full letter into the record.

[The information follows:]

April 27, 2009

Dear Mr./Madam Chairman:

Thank you very much your continued commitment to a vigorous oversight and reform agenda. In response to my letter of February 19th, the House chairmen developed the requested schedule for regular and thorough oversight of the departments, programs, and budgets under their jurisdictions.

We are dedicated to carefully scrutinizing programs and agencies to cut wasteful, obsolete and duplicative spending. As of the beginning of this month, House Committees under Democratic leadership have already conducted more than 162 oversight hearings, and over one hundred more are in the planning stages for the coming months. This is an excellent record, building on the aggressive oversight schedule of the 110th Congress, and helps to reassert the essential independent and oversight responsibilities of the Congress, regardless of which party controls the Executive Branch.

Our commitment is not to programs, but to the goals and objectives determined by the Congress to best serve the needs of the American people. If there is a way to achieve those goals and objectives more efficiently, with less cost or duplication, then the 111th Congress is committed to ensuring that changes are implemented.

As you continue to conduct your oversight investigations, I ask you to develop a specific list of initiatives aimed at reducing costs, ending duplication, and promoting efficiency in order to cut the costs of government as aggressively as possible. I know that you, and the members of the committee agree, that we owe the taxpayers confidence that their money is being spent as efficiently and effectively as possible. A vigorous oversight process, with the goal of reducing inefficiency and consolidating operations, is one way for Congress to demonstrate our commitment to fiscal discipline.

I would appreciate your developing a list of proposed reorganizations and spending reductions within your Committee's jurisdictions based on your planned oversight reviews. These proposals will then be considered by the Leadership and discussed with the Administration with the goal of implementing the savings to the maximum extent practicable. I encourage you to work with your Committee's Republican members in the development of these options. I would appreciate your providing a list of recommendations to me by June 2, 2009.

Thank you again for your commitment to improved efficiency and cost savings in the operations of the federal government.

best wishes,

NANCY PELOSI
Speaker of the House

# # #

OTHER RUSSIA EXCHANGE PROGRAMS

Ms. WASSERMAN SCHULTZ. Ambassador O'Keefe, the Interagency Working Group, which is an agency with whom you might be familiar, is tasked with coordinating the efforts of all of these government-sponsored international exchanges and training programs. Are you familiar with how many exchange programs there are just specifically with the nation of Russia?

Mr. O'KEEFE. I think there are quite a few.

Ms. WASSERMAN SCHULTZ. There are 91.

Mr. O'KEEFE. I am not surprised.

Ms. WASSERMAN SCHULTZ. Ninety-one. That covers 36,000 individuals.

I understand the passion which you feel about this program; and I know that, Dr. Billington, you believe in this program and feel strongly that it is unique and important; and I know that it is, too. But given the Speaker's mandate and direction and the fact that we have 91 different programs—and that is just Russia. That doesn't include the broader former Soviet Union republics. Those programs sponsored 72,000 visitors from the former Soviet republics last year.

So with so many opportunities for exchange programs with these countries, how do I justify, given the Speaker's mandate, $14 million for your program out of this bill?

Mr. O'KEEFE. There are a couple of reasons.

First of all, there is a question of efficiency. Our overhead is 7 percent, which is very, very low.

The second thing is, as you say, it is a unique program. One of the reasons Under Secretary Burns feels it is the best program of its kind is because, a lot of these programs, bring people over, they send them back, and that is it. We create networks.

Ms. WASSERMAN SCHULTZ. Well, then he should fund it. I mean, if he thinks it is great, then, great, let him take it and fund it.

Mr. O'KEEFE. I understand.

But the other unique part, of course, is that, as a legislative branch agency, we coordinate, very closely with and work for Members of Congress. So our relationship with the Helsinki Commission, with HDAC and with other Congressional organizations is one that is complementary. We really are, in a way, providing opportunities for Members of Congress to interact with a lot of these visitors who are coming here.

But, even beyond that, the executive branch programs focus appropriately on executive branch policy initiatives and executive to executive issues. Our focus is at the level of your constituents.

JUDICIAL BRANCH FUNDING

Ms. WASSERMAN SCHULTZ. Can I interrupt you for a second? Because I know that you have maintained that. And I am not trying to be antagonistic. We just have a lot of priorities that we have to balance in this bill. And so I don't want you to think that we have anything against the Open World program. We are just trying to balance everything.

But you have maintained that this is a unique program, unique to the legislative process. Only week after week the reports that I

see from you show that the vast majority, if not exclusively, of your participants are in the judicial branch. You are mostly exchanging or having your participants from the judicial branch in Russia and the former Soviet republics.

This is a legislative body. So I am not sure why you aren't—and I have encouraged you and would like to know to what degree you have reached out to the judicial branch of our government to try to seek funding support from them.

Mr. O'KEEFE. Well, just for the record, the rule of law exchanges are about 10 percent of our total program. So there are other exchanges: accountable governance, environment, women's leaders, things like that. You do see a lot of reports on the judicial process, because that is an area that lends itself to a weekly report—it has some tangibility.

On the question of outreach, I did immediately go to see Mr. Duff at the Administrative Office of the Judiciary. He runs the support operation there. Basically, his budget is rent to the GAO, payment of salaries and incidentals to keep the court system functioning.

So Dr. Billington and I then saw Bill Burns with regard to the idea of the diversified funding and have followed that up with a meeting with Dan Rosenblum, who administers all the Freedom Support Act money, we sent him a note over a week ago with a proposal for him to fund our 2010 rule of law program at $1.4 million.

Ms. WASSERMAN SCHULTZ. My time has expired. Mr. Aderholt.

INVOLVEMENT OF MEMBERS OF CONGRESS

Mr. ADERHOLT. I notice in your comments that you mentioned that you have American volunteers in 44 States and 202 congressional districts that are impacted, where they participate in some form or fashion. As far as Congressional participation in this, have you had many Members of Congress that have been directly involved? I know that you have a few on your board, but, generally, have Members of Congress been involved in these programs?

Mr. O'KEEFE. I would say that, obviously, you joined us with Chief Justice Ivanov in Dr. Billington's office with Representative Hastings.

Mr. ADERHOLT. Right.

Mr. O'KEEFE. Yesterday, we had a group of Russian parliamentarians who met with Senators Udall and Whitehouse on environmental issues. These were two members of the lower house and one of the upper house who were looking at issues of fisheries in Kamchatka and Alaska. So we have contact with Members of Congress on a regular basis when individuals come through.

And then we have—I would say in the districts we always try to make sure that the district offices, and the member if he or she is there, have an opportunity to meet our participants. I believe Representative McCollum and Judge Magnuson met with some individuals in Open World a year ago or so, if I recall. It may have been just Judge Magnuson who was with you.

Ms. MCCOLLUM. I just met with Judge Magnuson.

Mr. O'KEEFE. I will get you the exact numbers because we keep those statistics.

Mr. ADERHOLT. The reason I ask you that is because I was not familiar with it until I came in here as part of this subcommittee. Especially considering that legislative branch appropriates the money, I think there should be more of an effort to reach out to and allow Members of Congress to be active in this. Just food for thought on that.

COST SHARES AND CONTRIBUTIONS

Talking about the cost sharing and any kind of donations that you get for the Center, what—I think was it $1.8 million?

Mr. O'KEEFE. $1.8 million.

Mr. ADERHOLT. What kind of entities usually donate money to the program?

Mr. O'KEEFE. What kind of entities? It is mostly the host families. They provide home hosting accommodations and meals; and, generally, they will take them around to various things in their own towns and cities.

We also have cost shares from the grantees who help organize this. So part of our determination of who gets grants is the percent of cost shares that they will do for us.

PROGRAM COUNTRIES

Mr. ADERHOLT. And so how many countries overall are involved in this?

Mr. O'KEEFE. Let's see. It would be 10 countries right now.

Mr. ADERHOLT. And what is the criteria for choosing those 10 countries?

Mr. O'KEEFE. The board had made a strategic decision that we would do all countries of the former Soviet Union. And we meet every year to decide which ones.

For example, last year Turkmenistan had a change of leadership. The Turkmenbashi in Ashgabat died and another fellow came in. There is strategic interest because of the long border with Iran and Afghanistan and its tremendous gas reserves. So we started a program in Turkmenistan.

For this year's Board meeting, we looked at a number of different options and chose Armenia and, if we can do it, Belarus, which is a little more difficult to break into. The reason for Armenia is because Masha Yovanovitch—the U.S. ambassador in Armenia who served previously in Kyrgyzstan when we started the program there, feels it could really, really help her program in Armenia. She has asked me several times if we would make her next on the list.

Mr. ADERHOLT. So you are willing to expand that list.

Mr. O'KEEFE. Yes, sir. But we are going to stay within the countries of the former Soviet Union.

The Chair of the International Judicial Relations Committee, Judge Simpson, joined our Board meeting in February and gave a presentation on the possibility of doing rule of law in Serbia. The Board felt that we should stick with our strategic plan to remain up through 2011 within our current cost estimation.

Mr. ADERHOLT. That is all.

Ms. WASSERMAN SCHULTZ. Ms. McCollum.

ROLE OF LEGISLATIVE BRANCH IN OPEN WORLD

Ms. MCCOLLUM. Madam Chair, Ambassador O'Keefe, I have more of a comment than I have a question. I think we are at a crossroads with a program that was established at the time that there were dramatic changes happening in the Soviet Union. And one of the places we knew, we got in and worked on judicial reform would be good for business, it would be good for trade, it would be good for human rights, would be good for a whole host of events. The world changed. The value of Open World continues, but the value as you describe it is pretty much judicial reform.

And I have been in Afghanistan, and heaven knows they need it and fledgling democracies need that. But Congress in and of itself, that is not what we do. We don't do judicial reform. So to say it serves leg branch kind of creates a disconnect unless you have been out in the field and you have seen it.

And you know that report language is constantly being written about corruption, about democracy. And then it is like, okay, that is the State Department's bailiwick.

Yet there is a role, and I think what we need to do is we need to have a discussion and stop, if you don't mind, talking about Open World and just say, in the world as it is today, is it appropriate for the legislative branch to have some control over its own budget, over its own exchange, over its, you know, oversight that has nothing to do with the executive branch, knowing that we don't set foreign policy but we finance foreign policy, and we can have tremendous impact with exchanges between representatives?

Now, that doesn't mean I am saying that if we review this we get out of working with judiciary and law enforcement and all. But I think what is missing here is, to what the chairwoman pointed out, there are 91 organizations going on. Everybody has added a layer to this onion, and everybody has forgotten what the center of the onion looks like now. And I think it is a very sweet onion, but, right now, it tastes rather bitter because of everything that is going on with our budget and our economy here.

So we do need to—it is not about necessarily cutting waste, fraud and abuse. It is about looking at how do we serve our goal. And if there is a goal, if there is a role for the legislative branch to have its own engagement where we are not totally dependent upon the executive branch to engage with our peers in parliaments all over the world, then perhaps there is a function. Then we look at it differently. We look at the way that we fund it, and then we determine its depth and breadth and how we use it.

So I think that is kind of the dilemma we find ourselves in. Is our role in uniqueness of this program and how it serves this institution and our peers around the world is not clearly defined anymore, in part because of the great work that you do and all the examples are at the judiciary, which we are not——

So, Madam Chair, GAO in 2004 recommended that Open World establish a strategic and performance-based plan to strengthen accessing and reporting on the program and its performance.

DISCUSSION WITH LEADERSHIP IN CONGRESS

Madam Chair, I might suggest that we work with the Speaker and the minority leader and have a fruitful discussion as we move forward as you are changing their dynamic budget to really see if this truly is going to be a function of the legislative branch, that we look into how we see that this moves forward to serve those of us in the legislative branch.

I am not saying we walk away or that we leave the function that it has had in training judicial support. Because this body and I have been involved asking for it to happen. So I think, until we get there, there is going to continue to be this tension, this dilemma, and this heartbreak for all of us on this committee with the limited resources we have to move good things forward.

And right now they are going through—they will be going through reorganization of the State and Foreign Act, which has been mandated basically for the last 50 years.

So I think we have an opportunity of talking to the committees of jurisdiction about what and if we should have something that is truly owned by the legislative branch and I think appropriately housed in what is a very wonderful institution, is a friendly institution to the world, the Library of Congress. And I think until we have that discussion you are going to be haunted by this.

And that is my comment.

Ms. WASSERMAN SCHULTZ. Thank you very much, Ms. McCollum.

I will add that the problem that we have in the Legislative Branch budget is that we are the smallest budget of them all. And $14 million in this budget is much different and has a much more significant impact on the priorities that we have to choose from than every other bill. So it might seem like only $14 million, but that is a big nut, a big nugget for us to deal with. And that is why it is something that we end up wringing our hands with. And I am not the first one, the first chair of this subcommittee to wring my hands over Open World. I know there is perennial angst, annual angst over this.

Ms. MCCOLLUM. I am ready to go to the Budget Committee and increase it if we have got a strategic plan.

Ms. WASSERMAN SCHULTZ. I agree. I couldn't have said it better myself. The case has been well made by Dr. Billington that there is value in having a legislative exchange program. I agree with you. I have not seen really the components of that legislative exchange program that we are funding recently. So it would be helpful if we need to adapt your program so that it is a better fit than it currently is. It maybe used to be a legislatively oriented program, but it doesn't appear to be now.

But I wanted to just go back really quick before—do you have any additional questions?

Mr. ADERHOLT. That is all I have.

FUNDRAISING EFFORTS OF OPEN WORLD

Ms. WASSERMAN SCHULTZ. I want to focus on your fundraising before they call votes. We did ask that—and, Dr. Billington——

Dr. BILLINGTON. I have one thing I wanted to address.

Ms. MCCOLLUM. I am trying to get back——

Dr. BILLINGTON. I think this is a wonderful discussion, and I really also appreciate your problems and at the same time your positive assessment and your idea.

I just want to say two quick things.

One, that this is fundamentally different from the other 91 programs in that it is consciously directed at emerging leaders. These are young people. This is based on a list I got from a man who was the conscience of Russia after Sakharov. He is not well known in this country. He is the only survivor of the first death camp in the 20th century, a living legend inside Russia. He gave me his list of people who could do something about the—one-tenth of the Duma are now alumni of this program.

Ms. MCCOLLUM. And they are our peers.

Ms. WASSERMAN SCHULTZ. Yes.

Dr. BILLINGTON. Fifty-one percent of them are women. That is something totally new in this generation. This is all the post-Soviet generation.

Ms. WASSERMAN SCHULTZ. Just help us help you. That is all we are saying.

Dr. BILLINGTON. This is the best discussion we have ever had.

Ms. WASSERMAN SCHULTZ. I am so glad. I would love to take this off the table and not have to go through it every year because we have solved the problem at some point. But on your fundraising efforts, you have got a formal report that is due on May 30th.

Mr. O'KEEFE. We do.

PROGRESS ON FUNDRAISING EFFORTS

Ms. WASSERMAN SCHULTZ. You submitted a letter to the committee outlining your fundraising efforts that you are undertaking.

Mr. O'KEEFE. Right.

Ms. WASSERMAN SCHULTZ. Can you tell the committee what commitments you have gotten up to this point from nonlegislative branch sources, either public or private?

And then you did mention in your budget materials that you have a $950,000 pledge over 3 years. What concerns me about that pledge is that the funds—there is a limitation on how the funds can be used—cannot be used for any activities that were previously funded with appropriated funds. So that defeats the purpose of raising outside funds. If you get a pledge of funding, you need to be clear with the outside source of contributions that the idea is that you would be replacing funds that we can't provide you with anymore.

Mr. O'KEEFE. Just a little clarification on that.

First, one gift was $500,000 for the alumni program, which again is one of the unique parts of this program, that we keep these networks up. And we don't use appropriated funds for that.

The second gift or pledge which you have got, $150,000 per year for three years, was provided by Senator Malkin and that is—that can substitute for appropriated funds because it is for exchanges out of the Republic of Buryatia in Russia. And so the next $300,000, $150,000 next year, $150,000 the year after that, that is just for what would have been—we would have used appropriated funds.

And I understand exactly what you are saying. Because our objectives are, for example, to substitute the $1.4 million I have asked from State would be in place of appropriated funds.

ADDITIONAL ASSIGNMENT FROM THE CHAIR

Ms. WASSERMAN SCHULTZ. I don't have any additional questions. And your homework is the May 30th report on your fund-raising efforts. We look forward to hearing about those.

As I said, you need to help us help you. Because it is not that I don't want to make sure that this program can continue. It is that I am drowning in priorities. And these are not nice-to-have priorities; they are must-have priorities. If we are going to preserve this institution and its facilities, if we are going to make sure that we can continue to implement the vision of Dr. Billington and give the country and the world access to the treasures that are in the Library of Congress, unless I get money dropped from the sky in another amazing allocation, which I am not expecting this year, I don't have that many places I can go to find the funds. So I say that with the utmost respect for your efforts and your dedication.

Mr. O'KEEFE. Well, I have to also thank you, Madam Chair. You are very forthright and very clear, which is useful. Also, I think that you do appreciate what we are doing. It is, as Dr. Billington said, an amazing program; and I am constantly impressed not just by the quality but by the fact that one in four of our participants have either met with congressional staff or Members of Congress. So we do a lot of contact.

But I think you are right, Mr. Aderholt. We need to do much better outreach to the offices, and we will do that.

Ms. WASSERMAN SCHULTZ. Thank you very much.

Thank you to everyone for coming today. The subcommittee stands in recess until next Tuesday, May 5th, at 10 a.m., when we give Members and public witnesses an opportunity to testify on the legislative branch agencies fiscal year 2010 budget requests.

Additional Assignment to Open World
Chair Wasserman Schultz

Open World Leadership Center
Feasibility Report on Shared Funding

May 30, 2009

Actions in Direct Response to Public Law 111-8

As directed in Public Law 111-8 (cited below), the Center explored the feasibility of cooperative arrangements with the Judiciary, the Department of Justice, and the Department of State:

> *A large portion of the Open World program is devoted to judicial issues, issues of interest to the State Department, and issues related to the legislative process. The strain on Legislative Branch resources from continuing to fund this program is difficult to sustain. Since a significant emphasis is being place on judicial issues and on issues of interest to the State Department, shared funding for this program would be appropriate. Therefore, the Open World Leadership Center Board of Trustees is directed to work with the Department of State and the Judiciary to assess the feasibility of shared funding for this program. The Board of Trustees is expected to pursue this avenue of potential shared funding and report back to the Committee on Appropriations of the House and Senate no later than May 30, 2009.*

The State Department Feasibility

Open World Board Chairman James Billington and Executive Director O'Keefe met with Department of State Under Secretary for Political Affairs William Burns on March 21 to review the Open World Program and discuss shared funding options. Under Secretary Burns suggested that we review our requirements with the State Department's coordinator of U.S. assistance to Europe and Eurasia, Daniel Rosenblum. In a March 30 meeting with Mr. Rosenblum, Director O'Keefe enumerated ways in which the State Department should consider funding Open World, including allocating a portion of the prospective Fiscal Year 2009 supplemental appropriations designated for the Republic of Georgia to the Open World program for that country. O'Keefe sent Mr. Rosenblum a formal request for funding from the State Department on May 2, and then submitted a revised and more significant request on May 18, based on information received in additional meetings with Members of Congress and congressional staff.

The State Department's proposed expenditures from the Assistance for Europe, Eurasia and Central Asia (AEECA) account, for which it has requested $762.3 million for Fiscal Year 2010, fit well with Open World program plans covering the themes of accountable governance, rule of law, health, and social services. The State Department's Fiscal Year 2010 request for its global exchange program, which is funded from a different account, is $582 million, approximately 11 percent of which is devoted to regions in which Open

World functions. While the design of the Open World Program is formulated by the Board of Trustees to reflect the Center's position in the Legislative Branch, Open World also complements many U.S. foreign policy goals in Russia, Ukraine, the Caucasus, and Central Asia.

It is our understanding that in Russia, the emphasis in AEECA–funded programming may shift from technical assistance to peer-based programs, exactly Open World's modus operandi. We most likely will not know whether the State Department will accept our proposal to allocate $7.2 million of AEECA funds to Open World until October of this year.

Since the State Department's Fiscal Year 2010 AEECA request, if fully funded, is $130 million (or 14.6 percent) below the account's Fiscal Year 2009 appropriation, we may be competing with ongoing programs with prior claims. The feasibility is low.

The Judiciary/Justice Department Feasibility

On March 26, 2009, Center Executive Director John O'Keefe met with Administrative Office of the U.S. Courts (AO) Director James Duff, who manages administrative support for the federal Judiciary, including its budget and expenditures. Mr. Duff explained that appropriated funds assigned to the judiciary are only available for court operations, primarily rent and operating expenses. The AO does not pay for foreign judges and foreign court staff to travel to the United States. While Mr. Duff has always been supportive of Open World's work with the U.S. Judicial Conference's Committee on International Judicial Relations, he explained that there are no funds available for the Open World Program.

Open World management also requested a meeting with Carl Alexandre, director of the U.S. Justice Department's Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT), to discuss the feasibility of cost-sharing Open World's rule of law programs. The meeting has not taken place. However, OPDAT officials have consistently informed us that all of their agency's relevant funding comes from the AEECA account and has already been allocated for their ongoing programs.

It is highly unlikely that the Center can receive funding from the Judiciary. However, the nonmonetary contributions that the Open World Program receives from entities in the Judiciary in the form of program development, facilities use, and linkages to the broader host community are invaluable.

Other Actions

After meeting individually with House Foreign Operations Subcommittee Chairwoman Nita Lowey and House Majority Leader Steny Hoyer on May 13, Chairman Billington asked Chairwoman Lowey to provide up to half of the Center's Fiscal Year 2010 funding from the Foreign Operations appropriation.

Representative Betty McCollum, in her statement during the House Appropriations Legislative Branch Subcommittee hearing on the Center's Fiscal Year 2010 budget request, suggested that the Subcommittee work with the House Leadership and the House Budget Committee to increase its allocation to cover the entire request. In his meeting with Majority Leader Hoyer, Chairman Billington mentioned Representative McCollum's proposal.

Meetings with senators are scheduled but have not yet taken place.

The Board of Trustees agrees that Open World should diversify its funding. As reported in previous testimony, cost shares, in-kind contributions, an interagency transfer, and gifts fund almost one fifth of our expenses. Open World runs a very lean operation, with our overhead accounting for less than 8 percent of our costs. The last Board meeting in February addressed the need for a more comprehensive approach to obtaining other sources of funding. Executive Director O'Keefe and Trustee and former U.S. Representative Robert "Bud" Cramer are currently developing a strategy to approach several U.S. foundations.

In terms of raising funds for the Open World Russia program, a focused effort in 2010 may mesh with what may be a more pro-business environment after the July summit between President Obama and Russian President Dmitry Medvedev. At that time, U.S. corporations may be more inclined and in a better financial position to consider supporting geographically targeted Open World programs. The Center will also develop a three-year action plan for identifying and securing additional sources of revenue. We will provide that plan to the chairs of the House and Senate Legislative Branch Appropriations Subcommittees by August of this year.

Realistically, gifts, cost shares and other contributions will constitute only a portion of our operating expenses. The Program will not continue to exist without annual appropriations. Potential donors are likely more willing to give when they see the continuing commitment of Congress to Open World. Our appropriation has allowed us to leverage the willingness of donors to give to a successful effort.

Summary

As directed by the Omnibus Appropriations Act, 2009, the Center's management has approached the judicial branch, the Justice Department, and the Department of State to determine possible commitments to shared funding of Open World exchanges. In the case of the Judiciary, funding for this purpose is not available. The Department of State, which has requested $762.3 million for assistance to the region, excluding the supplemental appropriation request for Georgia, has not agreed to cost share $7.2 million with the Center.

Chronology

March 21	Meeting: William Burns, Under Secretary of State
March 26	Meeting: James Duff, Director, Administrative Office of the U.S. Courts
March 30:	Meeting: Daniel Rosenblum, Coordinator of U.S. Assistance to Europe and Eurasia, Department of State
May 2:	Letter: Daniel Rosenblum
May 13:	Meeting: Representative Nita Lowey, Chair, House Foreign Operations Subcommittee
May 13:	Meeting: Representative Steny Hoyer, House Majority Leader
May 18:	Letter (revised): Daniel Rosenblum
May 21:	Meeting: Senator Ben Nelson
May 21:	Meeting: Senator Jon Tester
June 2:	Meeting: Senator Lisa Murkowski
June 3:	Meeting: Senator Mark Pryor

TUESDAY, MAY 5, 2009.

TESTIMONY OF MEMBERS OF CONGRESS AND OTHER INTERESTED INDIVIDUALS AND ORGANIZATIONS

OPENING REMARKS—CHAIR WASSERMAN SCHULTZ

Ms. WASSERMAN SCHULTZ. I am pleased to call this meeting of the Legislative Branch Subcommittee of the House Committee on Appropriations to order. This morning we are holding our annual Member and public witness hearing, in which we give the employees of the Legislative Branch as well as Members of the House of Representatives an opportunity to testify on their concerns or anything else on their mind. It has always been helpful for the subcommittee when we approach doing our mark of the bill to get input from the employees. And each year something comes to light that we were not aware of that has been included or changed the Legislative Branch mark to some degree.

So I am looking forward to hearing the testimony of the individuals that are here today. Congressman Holt is the only Member of the House who has requested time to speak, and his testimony will be taken as soon as he arrives following the person that is currently testifying at that moment. And with that, Mr. Aderholt?

Mr. ADERHOLT. Likewise I just echo what you say, look forward to hearing the testimony of our public witnesses today.

AMERICAN ASSOCIATION OF LAW LIBRARIES

Ms. WASSERMAN SCHULTZ. Great. Our first witness will be Mary Alice Baish. She is the director of the Government Relations Office for the American Association of Law Libraries. Ms. Baish, your full statement will be entered into the record, and you can proceed with a 5-minute summary.

Ms. BAISH. And I even get a bottle of water.

Ms. WASSERMAN SCHULTZ. You do. We are very accommodating.

Ms. BAISH. I had to leave mine outside of the building when I came in.

Ms. WASSERMAN SCHULTZ. You are not allowed to fly with water or bring it into the Capitol.

Ms. BAISH. Apparently. I am very appreciative.

Mr. ADERHOLT. We wanted to replace it for you.

TUESDAY, MAY 5, 2009.

NO-FEE PUBLIC ACCESS TO GOVERNMENT INFORMATION THROUGH THE FEDERAL DEPOSITORY LIBRARY PROGRAM

WITNESS

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

TESTIMONY—MARY ALICE BAISH, AALL

Ms. BAISH. I hope my 5 minutes has not started yet, because I have a full message for you today. So good morning, Madam Chair Wasserman Schultz and Ranking Member Aderholt and members of the subcommittee. I am delighted to be here this morning on behalf of the American Association of Law Libraries, the Medical Library Association, and Special Libraries Association. We are committed to the democratic principles of no-fee public access to government information through the Federal Depository Library Program. We support Public Printer Bob Tapella's full fiscal year 2010 budget request for the Government Printing Office. GPO's mission to keep Americans informed is uniquely vital to our democracy. We also recognize your need to make tough decisions for fiscal year 2010 spending.

FEDERAL DIGITAL SYSTEM

First I would like to thank you for your strong support of GPO's funding needs in fiscal year 2009. We are especially grateful for the $1 million for the continued development of the Federal Digital System, or FDsys. FDsys is essential to GPO's future and the needs of the public. We welcomed its first release last January. Building, maintaining and enhancing FDsys is crucial. There are enormous costs involved in properly managing the life cycle of electronic information from its creation to its authentication to its permanent public access and preservation.

Public Printer Tapella requested $8 million for the further development of FDsys, listing it as his top priority during last week's hearing before the subcommittee. We absolutely agree, an adequate annual level of funding for FDsys is necessary to ensure that its future development and enhancements keep up with the pace of technology.

FEDERAL DEPOSITORY LIBRARY PROGRAM

Second, we fully support the $40.9 million request for the salary and expense account which fund the Federal Depository Library Program. As GPO expands efforts to provide information in electronic formats, as well as distribution of print materials to libraries, it is imperative that new recurring costs related to identifying, cataloguing, and distributing government resources be fully supported. GPO's cataloguing and indexing services are crucial to the ability of the public to find the information they need.

And it is more imperative than ever before, because now we have a system, FDsys, which can harvest online information from agency Web sites. We believe that the funding request to hire 10 addi-

tional staff to ensure more timely acquisitions, cataloguing, and indexing services, is absolutely essential. Third, as a former documents librarian, I would like to brag about the very important services that depository libraries provide to your constituents each and every day. For example, responding to an August 2008 request from the superintendent of documents, members of the FDL community submitted statements about the value of their services and collections. And I invite you to view the responses on the FDL Web site. And I will be more than happy to give you the URL. Among them, Madam Chair, Broward County's main library in Fort Lauderdale noted that while many basic questions can be found on line through agency Web sites or FDsys or GPO Access, that their users need their print documents collection. For example, among their recent success stories that they sent to GPO, they helped customers find a copy of a 1871 document titled "A Report on the Defenses of Washington to the Chief of Engineers In the U.S. Army", primary source material from the Civil War era, the 1919 annual report of the Secretary of the Navy, which is only available in the print United States serial set, and a 1988 regulation that is not freely available yet on line. Librarians at the Shepard Broad Law Library, also in Fort Lauderdale, have observed significant growth both in the number of their public users and circulation of their documents.

More members of the public face pressing legal issues, but do not have computers or the money to buy documents that they need. And at a time when all States, including Florida, are enacting severe budget cuts that will negatively impact library collections and services, the Law Library's participation in the depository library program ensures that the public will continue to have access to important legal documents. Interestingly, recent reference statistics at the Law Library indicate that bankruptcy, housing foreclosures, and assistance with housing, immigration, and health care services, are the leading information needs of their public users. Documents librarians also develop finding tools whenever a new hot issue occurs, such as the recent outbreak of swine flu.

At Georgetown Law Library, they just updated their guide that includes Federal, State, and international laws relating to human influenza. The documents librarian up at the University of Alaska in Fairbanks posted a new online guide because he discovered that there are many congressional hearings published during and after the U.S. swine flu outbreak in the 1970s. And these are all print documents in the historic collection. It is simply impossible in this short amount of time to really adequately describe the excellent services that depository libraries provide daily to your constituents.

We ask that you approve the GPO's fiscal year 2010 request to support these collections and services needed by depository libraries. Last year I asked you to become champions of the FDsys, and I applaud you for doing so and thank you for your support. The FDLP's greatest challenge right now is the fusion of valuable print collections with 21st century technologies. The added value, which is the heart of the program, is contributed by the very dedicated librarians at Federal depository libraries. Please send a clear message to the GPO and to these FDLP libraries that their collections

and services are needed and appreciated by you more than ever before. 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

Statement of

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

On Behalf of the

American Association of Law Libraries
Medical Library Association
Special Libraries Association

Before the House Appropriations Committee
Legislative Branch Subcommittee
Public Witness Hearing

May 5, 2009

American Association of Law Libraries
Government Relations Office
Georgetown University Law Center
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Good morning, Madam Chair Wasserman Schultz, Ranking Member Aderholt and members of the Legislative Branch Subcommittee. We thank you for holding today's Public Witness Hearing on the FY 2010 budget requests for the Legislative Branch. I am Mary Alice Baish, Director of the Government Relations Office for the American Association of Law Libraries (AALL). I am very pleased to appear before you today on behalf of AALL, the Medical Library Association (MLA) and the Special Libraries Association (SLA). Descriptions of our individual organizations are attached at the end of this statement.

We are here today to ask for your support for the full FY 2010 budget request for the U.S. Government Printing Office (GPO). We would like to begin, however, by thanking you for approving the funding levels for GPO that were included in the *Omnibus Appropriations Act for FY 2009* (Public Law No: 111-008). We were very pleased to note the much needed increases that raised funding for the Congressional Printing and Binding to $96.828 million; for Salaries and Expenses to $38.744 million; and for the Revolving Fund to $4.995 million. We are especially pleased that Congress provided an increase of nearly 11% to the Salaries and Expenses amount for FY 2008, and $I million to the Revolving Fund for the development of the Federal Digital System, an electronic information management system that is vital to GPO's future. We strongly support GPO's efforts to provide the public with access to the print and electronic resources of all three branches of Government. Thank you very much for your strong support of GPO's funding needs in FY 2009.

Together, our three organizations represent over 20,000 librarians and information specialists working in public, academic, government and firm libraries. Our communities have a very strong interest in Federal information policy and share a strong commitment to public access to government information for all Americans through a robust Federal Depository Library Program (FDLP) in the 21st Century. Access to government information in both print and electronic formats through the FDLP is crucial to the

research done at our libraries by all types of users, from researchers needing many years of specific Census or medical data, to legal and business researchers, and to members of the public seeking information about how to file their taxes, how to apply for educational grants or how to locate needed benefits in this time of economic turmoil.

The FDLP is a successful partnership program through which Congress, the GPO, agencies, the courts, and the network of geographically-dispersed depository libraries provide your constituents with no-fee access to federal government information. Your constituents benefit daily from the collections and services of the depository libraries that serve your districts and states, as well as the government information accessible online at all libraries. Each of you, therefore, has a personal stake in making sure that the FDLP is adequately funded so that your constituents have easy, no-fee access to important government information, in both print and electronic formats, today and in the future.

The work of the Government Printing Office is uniquely important. The agency provides the three branches of the Federal government with expert publishing and printing services; a distribution system to make important tangible materials easily available to your constituents at their local depository library; and electronic access to government resources through GPO Access and the recently launched Federal Digital System. In partnership with the more than 1200 participating depository libraries, GPO fulfills its mission to inform the Nation by ensuring perpetual, no-fee, ready public access to the printed and electronic information published by the Federal government.

Our organizations strongly support Public Printer Robert C. Tapella's statement to the Subcommittee of March 23, 2009. We urge you to fund GPO's full FY 2010 budget request of $166.307 million, including $93.296 million for Congressional Printing and Binding; $40.911 million for Salaries and Expenses that funds the Federal Depository Library Program; and $32.1 million for the revolving fund

First, Congressional Printing and Binding.

We urge you to support GPO's request of $93.296 million for Congressional Printing and Binding (CP&B). This is a decrease of $3.532 million from last year's funding level, due to the fact that GPO has eliminated the shortfalls that occurred in FY 2007 and FY 2008. Congressional materials must be published and distributed to members of Congress and depository libraries in a timely fashion. The records of Congress made available to the public in depository libraries are among the most heavily used government resources, both for current and historic research.

Access to legislative information—the daily and bound *Congressional Record*, congressional bills, full committee hearings, reports, prints and documents, as well as other materials—is crucial to the public's ability to understand the deliberations of Congress as well as to monitor and participate in the legislative process. While we value the ability to access many of these materials electronically through the Federal Digital System, GPO has acknowledged the continued need for the print distribution of congressional and other primary legal materials to depository libraries because print is both official and authentic.

Second, Salaries and Expenses.

Funding for GPO's Salaries and Expenses (S&E) is vital to the cataloging, indexing, and distribution of Federal publications to depository libraries and other recipients designated by law, as well as for the technological infrastructure needed to support its many systems and improve public access. We fully support Public Printer Robert Tapella's request of $40.911 million for the S&E in FY 2010.

While we understand the challenges and difficult decisions the Subcommittee faces in determining next year's funding levels, it is important to recognize the significant costs contributed by each FDLP partner library. Some have said that for each dollar of Federal appropriations for the FDLP, participating libraries spend $3. This is a bargain for the U.S. Government and illustrates the financial investment that each participating library makes to

be a partner with the Government in providing access to their collections and assisting members of the public to find and use the government information they need.

This year, S&E funding is crucial to GPO's ability to maintain a strong depository program. As GPO expands its efforts to provide information in electronic formats, it is imperative that new, recurring costs related to identifying, acquiring, and cataloging resources be supported. The following funding needs are especially important to our community in FY 2010:

• The Depository Distribution Information System (DDIS) is vital to managing essential function for the administration and operation of the Federal Depository Library Program. The DDIS is an antiquated system developed in 1982. It includes information about the item profile for each depository library, which is a list of items each depository library selects for its individual collection; the item numbers and Superintendent of Document classification numbers; and the mechanism GPO uses to distribute documents to each depository library. Three years ago, GPO determined that no system enhancements or modification could be made to their legacy systems, including the DDIS. This arcane system, which could fail any day now, must be modernized to provide libraries with timely distribution of the materials needed for their collections. In addition, by implementing a system with newer software and technology, the current functionality being performed by DDIS will be enhanced to provide greater flexibility to existing functions at a reduced cost.

Critical to the online services that GPO provides to depository libraries is its statutory obligation to catalog and index documents that fall within the scope of the FDLP. These services are crucial to the ability of the public to locate the government information they need, in both tangible and online formats. An additional stress on the current cataloging program is the high volume of online-only resources that GPO has harvested from agency web sites for inclusion in the Federal Digital System.

In its beta-test harvesting project from the web site of the Environmental Protection Agency, GPO ingested approximately 200,000 titles that fall within in the scope of the FDLP. In order to make these materials searchable, GPO is creating a MARC record for each harvested monograph and creating metadata records. We believe that GPO, using the Federal Digital System, should as a priority ingest, provide access to and preserve the many important born digital publications that appear on and disappear from agency web sites. GPO must then catalog the in-scope harvested depository materials so that they are accessible to the public. GPO's cataloging and indexing program is one of the most important services which participating depository libraries depend upon. Libraries are also willing to cooperate in partnership with GPO to catalog the pre-1976 materials housed in their libraries. The timely processing, cataloging, and archiving of web-harvested materials, the increase in cataloging online content, and a robust cooperative cataloging project with depository libraries will result in much improved public access to the resources available in the FDLP.

We urge you to agree to the Public Printer's funding request to hire 10 additional FTEs to perform the acquisitions, classification, cataloging and indexing, and to meet other program requirements.

Third, the Revolving Fund.

GPO is requesting $32.1 million for the revolving fund which covers essential improvements to the agency's technology infrastructure and systems development, as well as needed maintenance and repairs to their buildings. Since my appearance last May before the Subcommittee, we are pleased to note that GPO successfully launched the beta Federal Digital System, or FDsys, in February 2009. This system has been under development for five years and will, when fully functional, ensure that electronic information from all three branches of the Federal government will be permanently available in electronic format, authenticated and versioned, and accessible through the Internet for easy searching, viewing, downloading and printing.

We urge the Subcommittee to fund the $8 million requested by GPO in FY 2010 so that FDsys can successfully incorporate all the electronic resources currently available today through GPO Access. We further ask that you consider an ongoing appropriation for FDsys to ensure that its future development and enhancements can keep up with the pace of technology. In the past, the development of FDsys was funded by $18.5 million in prior year unspent appropriation from the S&E and CP&B, as well as from the revolving fund to support ongoing development.

As I mentioned previously, we are very grateful to Congress, and especially to this Subcommittee, for providing an additional $1million for FDsys in FY 2009. We believe there is a need for a sustainable funding model to ensure the future development of FDsys and needed enhancements as more online content is ingested. We ask that you consider an annual appropriation to support its ongoing development and operations for electronic dissemination.

Conclusion.

AALL, MLA and SLA respectfully urge the Subcommittee to support the Government Printing Office and the Federal Depository Library Program by approving the Public Printer's FY 2010 appropriations request in its entirety. Full funding is vital so that GPO is able to fulfill its mission of disseminating and providing access to Federal government information from all three branches of Government to the American public. We ask that you please include this statement as part of the Subcommittee's record for today's "Legislative Branch Subcommittee Public Witness Hearing." I'll be more than happy to answer any questions you might have. Thank you very much.

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

The American Association of Law Libraries (AALL) is a nonprofit educational organization with over 5,000 members nationwide who respond to the information needs of legislators, judges, and other public officials, corporations and small businesses, law professors and students, attorneys and members of the general public. AALL's mission is to promote and enhance the value of law libraries to the legal and public communities, to foster the profession of law librarianship, and to provide leadership in the field of legal information and information policy.
http://www.aall.org/
Contact: Mary Alice Baish (202-662-9200)

The Medical Library Association (MLA), a nonprofit, educational organization, is a leading advocate for health sciences information professionals with more than 4,000 members worldwide. Through its programs and services, MLA provides lifelong educational opportunities, supports a knowledgebase of health information research, and works with a global network of partners to promote the importance of quality information for improved health to the health care community and the public.
http://www.mlanet.org/
Contact: Mary M. Langman, (312-419-9094, ext. 27)

The Special Libraries Association (SLA) is a nonprofit global organization for innovative information professionals and their strategic partners. SLA serves more than 11,000 members in 75 countries in the information profession, including corporate, academic and government information specialists. SLA promotes and strengthens its members through learning, advocacy and networking initiatives.
http://www.sla.org/
Contact: Douglas Newcomb (703-647-4923)

PUBLICIZING THE FDLP

Ms. WASSERMAN SCHULTZ. Thank you very much, Ms. Baish. And I think that I speak for all the Members when I say that most Americans are not aware of the vast access to information that GPO and the Federal Depository Library System provide to them to access information they would not otherwise be able to. And I know that I am a lot more enlightened now that I serve on this committee.

Ms. BAISH. GPO has a video that for a time was up on YouTube about the value of depository libraries. So I think that GPO is making an effort to better market it. And of course, the marketing is done at each and every one of the depository libraries as well.

Ms. WASSERMAN SCHULTZ. Sure. I do not have any additional questions.

Mr. ADERHOLT. I do not have anything.

Ms. WASSERMAN SCHULTZ. Mr. Cole.

Mr. COLE. I have no questions.

Ms. WASSERMAN SCHULTZ. Thank you very much.

Ms. BAISH. Thank you so much.

CONGRESSMAN HOLT ON REESTABLISHING OTA

Ms. WASSERMAN SCHULTZ. Our first and only Member witness today is Representative Rush Holt of New Jersey. Congressman Holt, you are here today to talk about our mutual goal of reestablishing the Office of Technology Assessment. If you can proceed with your statement, and I look forward to hearing your testimony from a historical perspective, as well as why you think it is so important that we reestablish the office.

TUESDAY, MAY 5, 2009.

REESTABLISHING THE OFFICE OF TECHNOLOGY ASSESSMENT

WITNESS

HON. RUSH HOLT FROM THE STATE OF NEW JERSEY

TESTIMONY OF CONGRESSMAN HOLT ON OTA

Mr. HOLT. Thank you, Madam Chair and members of the committee. I speak as someone who worked on Capitol Hill as a member of staff, saw the Office of Technology Assessment in full operation, and as one who serves now and has seen the absence of that. I thank you for the opportunity to testify about a very important program under your jurisdiction, one that if funded I think would help restore the American people's confidence that we have the information that we need to make informed, well-reasoned decisions in a complex world. The good news is that we do not need to create a new, untested program to do this. We just need to refurbish the tool that we have had, that we know works, that has been too long neglected, and I am talking about refunding the Congressional Office of Technology Assessment, known as the OTA. Every Member of Congress, I am sure the members know, need access to policy relevant, unbiased, technical assessments crafted by those who are

familiar with our work, with the functions of Congress, written in a language that is relevant to our work, and produced with an eye toward the congressional schedule and common needs. That was the role that was filled by OTA for 23 years.

UTILITY OF OTA

The greatest misconception about OTA, I think, is that it was a science organization for scientists. This was not the case. Members used OTA reports to understand issues and develop policy positions. Options explored by OTA became outlines for new legislative proposals. Congress often required OTA to assess the implementation of new programs for effectiveness. And OTA really existed to serve every Member of Congress. Some people say, well, you have a science background, you must want OTA. Actually, I need OTA less than most Members of Congress. Those responsible for defunding OTA claimed that it was necessary—that Congress had to rein in excessive government spending.

Well, in its last year, OTA's operating costs were $23 million, less than 1 percent of the legislative branch appropriations, yet the payback from OTA I think was far-reaching. For example, an OTA report was the source of upgrades in computer systems at the Social Security Administration that led to savings of more than $350 million. Studies on the Synthetic Fuels Corporation raised important questions about the program. And its subsequent abolishment, I think saved billions. Now, all we need to do is find a way to have those savings added to the legislative branch allocation.

Ms. WASSERMAN SCHULTZ. I agree.

Mr. HOLT. But more important than any cost savings was really the incalculable value OTA's contributions brought to the policy discussions. Many argued that we would be able to get the same information from other sources, think tanks, experts in academia, National Academies, CRS, GAO. These are all excellent resources, but they were not designed as OTA was designed. We do not suffer from a lack of information on Capitol Hill. We do not have the time or the resources to gauge the validity, credibility, usefulness, of the overwhelming amount of information we receive. And in the years since OTA was disbanded, no group or combination of groups has been able to assume its place as a provider of scientific and technical assessment for Congress with review panels and all of the analysis and procedures that went with that. And I think our national policies have suffered.

Perhaps OTA could be made more responsive to requests by individual members. Better connections to other organizations like CRS and GAO and the National Academies could be established. Perhaps OTA could further democratize part of the policy process by harnessing the tools of the Internet and the public's obvious desire to contribute to the national dialogue on climate change and energy security and much more. These are all important issues that Congress can and should explore. But we already know that the basic structure of OTA is sound. We have done this experiment. We just need to heed the results and breathe new life into OTA. A fully functioning agency would cost I figure something on the order of $35 million today. For a first year appropriation, I suggest $10 million to fund the reestablishment of OTA and begin a hand-

ful of research projects, and then build up to the kind of agency that had a hundred and some professionals. There is no question that having those professionals in OTA, and I speak as someone who was a staff member at the time, elevated the level of discourse on any number of issues. OTA's greatest contributions were its ability to provide long-term, forward looking perspective, and to alert Members of Congress to components of policies that are scientific or technical in nature but might not be immediately obvious. Consider that as early as 1995, before anyone had heard of the BlackBerry, and cell phones were clunky and uncommon, OTA produced a report Wireless Technologies and the National Information Infrastructure.

Various reports on science and math education were written long before STEM ed became a popular topic. Health care policies and technologies were considered in depth, from the impact of health care reform on rural areas to the cost and benefits of artificial hearts. There were reports on cancer, on HIV/AIDS. There were six reports on women's health. Before most people had heard of biodiesel, OTA was examining the potential environmental—this is the title—Potential Environmental Impacts of Bioenergy Crop Production. And before most Americans held concerns about identity theft or warrantless wiretapping, OTA produced a report on electronic surveillance in the digital age. All of these reports, and most of the 755 produced by OTA, are still relevant to issues being considered by this Congress 15 years later. Now, you might say, well, if all this work was done during the golden age, why are these problems still with us? Well, it is important to point out that the work done by OTA in a number of areas has really led to legislative solutions. I was talking with someone the other day who said, well, you are interested in OTA. I said yes. He said, you know, I do work, I am a Washington rep dealing with Alzheimer's disease. Do you know what the bible is for Alzheimer's policy in? It is an OTA report that was written 20 years ago.

You will recall recently we passed the Genetic Nondiscrimination Act. Not a high-tech matter, it was really a workplace protection matter, an employee protection and citizen protection matter. Do you know the origin of that? It was an OTA study around 1990. Last year we passed in my committee on Education and Labor regulations on dust explosions in the workplace. You know who did the first work in Congress on that? OTA. A year ago few had considered the potential risks of the new computer-assisted mathematical models in our financial sector. What if during this 15 years that OTA did not exist if OTA had maybe written a report on mathematical models and derivatives in the financial industry? Likewise, would we have benefited over the last 15 years from reports on energy challenges and how to deal with global pandemics? What phenomenon or technologies will be leading the headlines and changing our world a year from now or 5 years from now? OTA cannot tell us that, of course. But OTA can and did help us start considering these possibilities. So let's not wait another year to revive OTA for the benefit of every Member of Congress.

USING GAO FOR TECHNOLOGY ASSESSMENTS

Ms. WASSERMAN SCHULTZ. Thank you very much, Congressman Holt. You and I have been discussing this since the Legislative Branch Subcommittee was reestablished. As far as we have been able to go was appropriating $2.5 million and allocating that to GAO and having them conduct technology assessments. Why is it not sufficient to just expand GAO's role in that regard, have them bring on more experts and handle the functions of the OTA through GAO?

Mr. HOLT. Right. I think what one could do is set up a program with a bipartisan governing board. In fact, you know the governing board of OTA was scrupulously bipartisan, evenly balanced, and bicameral, and the members, most of them really took part in this. So we could set up in GAO, perhaps in the Library of Congress, an organization with a bicameral, bipartisan governing board that would have a permanent staff of many dozens or a hundred or more that convened outside panels both to review the scope of the work before it is undertaken and the text of the report before it is released. We could have these requested by members and committees. And what we would have done is invented OTA and placed it within GAO or CRS. One could do that. But as I say, we have done the experiment. The design of OTA by, you know, outside observers will find some nits to pick, you know, as I say, well, maybe there should be more coordination with GAO or the National Academies. Maybe individual members rather than committee chairs should be able to request reports. But those who have looked at it have said, you know, this design worked.

Ms. WASSERMAN SCHULTZ. There is——

Mr. HOLT. And we would end up I think recreating that design if we started to design it from scratch.

USING NATIONAL ACADEMIES FOR THE TECHNOLOGY ASSESSMENT

Ms. WASSERMAN SCHULTZ. No, I agree with you. And there is a constituency of members—there is not a constituency of one member, there is a constituency of members on both sides of the aisle that are supportive of the reestablishment of OTA. I will just point out to the committee that this is another example of something that is well within the responsibility and purview of the subcommittee when we have competing priorities that perhaps are not within what should be the purview of the subcommittee. So just an example that I point out. Another question is why we could not use the National Academies as an alternative to OTA?

Mr. HOLT. Of course, we use the National Academies now for all sorts of things. The difference between OTA and the National Academies was OTA existed of and for Congress. It was part of Congress, it spoke our language, it fit into—I mean it understood both our peculiarities, I mean how Members of Congress work, and the schedule. And as I mentioned in my testimony, the presence of the staff on the Hill really elevated the discourse. I can just point to numerous examples when I was a staff member, just because they were here on the Hill and a creature of Congress, it elevated the discourse. We get good reports from the National Academies. It is not on the same time scale. And I would argue it is not and

is not intended to be of the same legislative relevance that OTA's studies were.

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

HISTORY OF OTA

Mr. ADERHOLT. You might have mentioned it, but when was the OTA first established?

Mr. HOLT. 1973 or 1972. It was—1972, because it was 23 years until 1996.

Mr. ADERHOLT. What was the really the thing that sparked this office getting off the ground in the first place? Do you know off-hand?

Mr. HOLT. You know, I have read the history. I cannot tell you specifically. You know, this was a time when, remember, the EPA was created, the Clean Air and Clean Water Acts were, some health care studies. It was a time when Congress realized it needed some in-house technological support. But I cannot tell you what the specific questions or emergencies——

Mr. ADERHOLT. It could have been a culmination of things that came together?

Mr. HOLT. Yes.

Mr. ADERHOLT. Thank you. That is all.

Ms. WASSERMAN SCHULTZ. Mr. Cole.

Mr. COLE. No questions.

Ms. WASSERMAN SCHULTZ. Thank you very much.

Mr. HOLT. Thank you.

GAO EMPLOYEE ORGANIZATION

Ms. WASSERMAN SCHULTZ. I look forward to working with you on trying to move this issue forward. Next we will hear from Ron La Due Lake of the GAO Employee Organization. Mr. La Due Lake is the President of that Organization. Your full statement will be entered into the record, and you can proceed with a 5–minute summary. Thank you and welcome to the committee.

TUESDAY, MAY 5, 2009.

GAO'S FISCAL YEAR 2010 REQUEST AND ISSUES OF CONCERN TO AGENCY EMPLOYEES

WITNESS

RON LA DUE LAKE, PRESIDENT, GAO EMPLOYEES ORGANIZATION

TESTIMONY OF MR. LA DUE LAKE, GAO UNION

Mr. LA DUE LAKE. Thank you very much. Good morning.

Ms. WASSERMAN SCHULTZ. Good morning.

Mr. LA DUE LAKE. In addition to being President of the GAO Employees Organization, the GAO union, IFPTE Local 1921, I am also a specialist in GAO's applied research and methods team. I am pleased to have this opportunity to be here today. We are particularly grateful, Madam Chair Wasserman Schultz, for your personal commitment to work life balance for all Federal employees. Thank you very much.

Ms. WASSERMAN SCHULTZ. Thank you.

SUPPORT FOR GAO'S FY 2010 BUDGET REQUEST

Mr. LA DUE LAKE. We are very grateful for the support provided to GAO in the fiscal year 2009 budget. We also support GAO's fiscal year 2010 budget request of an increase of 6.9 percent. As you know, GAO's 2010 budget request allows for a 3.5 percent increase in staffing levels. We feel this is a modest and essential step forward. The number of congressional requests and mandates continue to increase significantly. We respectfully seek the support of the subcommittee for GAO's fiscal year 2010 budget request in order to continue rebuilding GAO's capacity to meet the needs of the Congress during this time of increasing oversight and accountability. We are also pleased to report that the GAO union membership just ratified the 2009 pay agreement that we recently negotiated that covers the performance-based compensation employees will receive.

2009 PAY AGREEMENT

The compensation employees will receive is based on a negotiated budget factor of 2.65 percent. This is in addition to an across-the-board increase equivalent to the GS COLA annual adjustment by locality we negotiated earlier this year. We feel that this is a fair agreement. It assures that all GAO employees who receive the rating of meets expectations or higher will receive some amount of compensation based on their performance ratings. We are very concerned about GAO's evolving plans to address the disparate treatment of minority employees at GAO.

GAO PLANS TO ADDRESS DISPARATE TREATMENT OF MINORITIES

After a recent study documented disparities in ratings between African American and Caucasian analysts at GAO, GAO contracted with a firm to conduct facilitated conversations about race with employees and managers across the Agency. These facilitated conversations were held, and GAO recently briefed the union on the next steps planned for the Agency. The next steps include a primary focus on diversity awareness and sensitivity training for all employees. Further, an emphasis of this training will be for employees to seek feedback on their performance. It is disconcerting to us that in an agency where there is documented evidence of the disparate treatment of African Americans in their ratings, there would be a follow-up plan that places an emphasis on employees, including African American employees, seeking feedback on their performance.

Though we are not at all opposed to diversity awareness training, we are reluctant to believe that diversity training is the only solution to the deeply held discriminatory behaviors and attitudes at GAO that have resulted in disparities in ratings between African American and Caucasian employees. In fact, GAO provided mandatory diversity training in the 1980s and the early 1990s, yet these problems are still in play in 2009. GAO also did not present any plans for benchmarking progress in this area. The union would like this subcommittee's support by holding GAO accountable to a plan

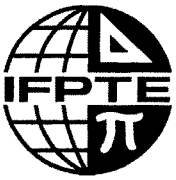
for addressing any disparities in ratings and professional opportunities that specifies criteria and concrete measures for recognizing and recording progress.

COMPTROLLER GENERAL SELECTION

The GAO union has provided the U.S. Congress with our views on the critical selection process of the next GAO Comptroller General. While all the areas we have identified are essential in our view, today I would like to emphasize the importance of two. First, considerable experience, knowledge, and respect for the type of work we do at GAO in helping the Congress conduct oversight. And two, a demonstrated commitment and experience in working collaboratively with labor organizations.

In closing, I would like to reiterate our appreciation for the opportunity to testify before the subcommittee. All of my colleagues at GAO are very proud of being referred to as the gold standard, and appreciate the recognition and support offered by this subcommittee. I would be pleased to answer any questions.

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



GAO Employees Organization
IFPTE Local 1921

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

Comments on GAO's Fiscal Year 2010 Budget Request and Issues of Concern to Agency Employees

Statement of Ronald La Due Lake
President

May 5, 2009

Madam Chair and Members of the Subcommittee:

I am Ron La Due Lake, President of the GAO Employees Organization, International Federation of Professional & Technical Engineers (IFPTE), Local 1921, and a specialist in GAO's Applied Research and Methods team. 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 developing relationship between the GAO Employees Organization (the Union) and GAO management;
- Results of the recent negotiations over employees' performance-based compensation;
- Appropriate funding to allow GAO to continue to build capacity to better manage its increasing workload demands;
- Adequacy of GAO's plan for following up with the Ivy Study that documented disparities in ratings between Caucasian and African American employees;
- The GAO Union's input regarding the selection of the next Comptroller General of the United States.

Before proceeding, I would like to express my appreciation to you, Madam Chair, not only for your work to ensure appropriate funding for GAO to meet its increasing responsibilities to Congress and the American people, but also for your commitment to work-life balance for all federal employees. I am privileged to sit before the Subcommittee again to express directly the GAO Union's thoughts regarding GAO budgetary needs and other concerns.

The Developing Relationship between the GAO Union and Management

We continue to work on developing our relationship with GAO management and the evolving relationship is promising. The Union leadership meets weekly with workforce relations professionals GAO has hired to work with the Union to discuss the status of policy changes, topics of mid-term negotiations, information requests, and pending concerns of GAO employees related to the terms and conditions of their work. The Union leadership also meets regularly, about every other month, with GAO's executive committee to discuss Labor-Management relations at a higher level. These meetings are productive and collegial.

GAO is undergoing a major culture change as it adjusts to partnering with a union. There remains some confusion about the role of the GAO Union. There is a tradition at GAO of consulting with employees and employee groups during the implementation of new policies. However, this tradition of consulting with employees has generally focused on providing information on policy changes and

the implementation of policies that have already been determined and has not involved employee groups in meaningful ways.

While the GAO Union supports good policies and input from all employees at GAO, the Union has different legal standing than other employee groups. GAO is required to notify the Union when they wish to change the terms and conditions of work and in many instances is required to engage in negotiations over these changes. There have been instances where policies with implications for the terms and conditions of the work of analysts and specialists have been implemented without appropriate notification and negotiation with the Union. After the fact, there has been a commitment on the part of management to work closely with the Union to remedy such missteps. While some managers have had difficulty understanding this new way of interacting with employees, GAO is making progress in recognizing the Union as a partner such that it has recently delayed issuing changes in terms of work to incorporate our input.

We believe that our expectations are reasonable: to be partners in developing policies that influence the terms and conditions of our work and to be compensated fairly.

Recently, we reached tentative agreement with GAO on the performance-based compensation portion of our pay for 2009 – the merit pay increase for employees based on their performance ratings in GAO's pay-for-performance compensation system. We are pleased that, overall, it is a fair agreement that provides a payout for GAO employees based on their ratings that is competitive with the federal General Schedule and pay-for-performance systems at other federal agencies - despite concerns as to whether GAO's pay for performance system unfairly disadvantages minority employees. We were able to assure that all GAO employees who received a rating of "meets expectations" or higher will receive a substantive amount of compensation as a result of their performance ratings during a challenging year of increasing workload.

Appropriate Funding to Allow GAO to Continue to Rebuild Capacity

The GAO Union respectfully seeks your continued support for the agency in order to sustain and rebuild the capacity necessary to provide high quality service to Congress and the American people. We are very grateful for the support provided to GAO in the FY 2009 budget which allows GAO to balance rewarding employees appropriately with the need to expand the workforce.

We also support GAO's FY 2010 budget request of an increase of 6.9 percent over the FY 2009 funding level. As you know, Madam Chair, GAO's 2010 budget request also allows for a 3.5 percent increase in staffing levels over 2009. We feel this increase in capacity is a modest and essential step forward. It is important to note that while the staffing levels GAO seeks in the FY 2010 budget request will not bring us quite up to GAO's staffing levels of 2003 the number of Congressional requests and mandates continue to increase significantly.

GAO employees are very proud of the work we do to help the Congress conduct its oversight responsibilities. Yet we are concerned about the toll that this increasing workload – along with other compelling oversight responsibilities, including those related to the Troubled Asset Relief Program and the economic stimulus legislation – takes on staff morale and work-life balance. We respectfully seek the support of the Subcommittee for GAO's FY 2010 budget request in order to continue rebuilding GAO's capacity to meet the needs of the Congress during this time of increasing oversight and accountability.

GAO's Plan to Follow-up on Disparate Treatment in Ratings of Minorities

As a result of the Ivy Study, a study conducted by the Ivy Planning Group for GAO that established disparities in ratings between African American and Caucasian analysts at GAO since the implementation of changes in GAO's performance appraisal system in 2002, GAO again contracted with the Ivy Planning Group to conduct facilitated conversations about race with employees and managers across the agency. These facilitated conversations have been held and GAO is now planning next steps for the agency on this matter of the disparate treatment of minority employees.

There is long-standing concern about disparate treatment of minority employees at GAO, including African Americans. Evidence of this has been demonstrated in the form of the perception of a glass ceiling for Asian Americans and Hispanics and significant disparities in ratings between African American and Caucasian analysts, as well as troubling retention rates for African American males, in particular. African American employees at GAO indicated support for a finding in the Ivy Study that there is a "GAO Way" of behaving and performing that is based on unwritten rules and norms. Many African American employees have shared their experiences of missed developmental and professional opportunities in the workplace. In the past couple of years, a mid-level manager remarked to another Caucasian colleague that one employee would never fit in at GAO because he had a picture of Malcolm X in his office. It is difficult to quantify this behavior and attitude at GAO, and the opportunities this "misfit" employee may have missed, but our African American colleagues would not be surprised by this story, because of their experience with the "GAO Way" of an unwritten code of behavior and conduct.

GAO recently briefed the Union on their plans moving forward and we are troubled that these plans fall short of a strategy to change this historical disparate treatment within GAO. GAO's emphasis moving forward appears to be primarily on diversity awareness training with an emphasis on employees improving their skills in asking for feedback on their performance. This is troubling to the Union on multiple fronts. We are not opposed to mandatory diversity training at GAO. However, the employees themselves are not responsible for conducting their own performance ratings nor are they fully responsible for the opportunities that GAO provides them to develop professionally. We are reluctant to believe that diversity training is the best solution to the deeply-held discriminatory behaviors and attitudes at GAO that have resulted in disparities in ratings between African

American and Caucasian employees, for instance. In fact, GAO provided mandatory diversity training in the 1980s and 1990s, yet these problems are still in play in 2009.

In presenting this plan to the GAO Union, GAO did not present any plans for benchmarking progress in this area. Additionally, they did not offer any details on how these steps might address GAO's diversity planning.

The Union would like this Subcommittee's support by holding GAO accountable to a plan for addressing these disparities in ratings and professional opportunities that specifies criteria and concrete measures for recognizing and recording progress. We would also appreciate the support of the Congress in requiring GAO to be more transparent about efforts to avoid discrimination in performance assessment, professional opportunities, and promotions. This could be done by making information, data, and trend analyses by race, ethnicity, and other employee demographics[1] available that describe GAO's status and progress in the area of disparities in performance ratings, professional opportunities, and promotions, so that an assessment can be made and agency decisions do not continue to perpetuate adverse effects on any group of employees.

GAO Union Input on Selection of Next Comptroller General

The process of choosing the next GAO Comptroller General (CG) has important implications for GAO employees and the Congress. The GAO Union has provided you with our views on this critical selection process. We developed a summary of experience, skills, and characteristics that we believe are essential indicators of success for the next CG and remain hopeful that they will be helpful in your deliberations. While all the areas previously identified are essential in the view of the Union, today I would like to emphasize the importance of:

> Considerable experience, knowledge, and respect for the type of work we do at GAO in helping the Congress conduct oversight; and
>
> A demonstrated commitment and experience in working collaboratively with labor organizations.

I have included a copy of this summary of the indicators of success in an appendix to this statement. The GAO Union would be happy to develop questions for the use of the Subcommittee in the candidate selection process if they would be useful.

New Benefits for Federal Employees and the Legislative Branch

[1] GAO does not systematically collect demographic information about whether employees are gay, lesbian, bisexual, transsexual – or whether they have disabilities. It is the view of the GAO Union that this information would be appropriate to collect to use for similar comparison purposes as other demographic data, including race/ethnicity.

Currently, Congress is considering legislation that would benefit federal employees today and well into the future. At present, most of this legislation would only apply to the federal workforce in Executive Branch agencies and not to the legislative agencies. This legislation includes provisions ranging from extending domestic partner benefits to allowing the use of sick leave toward retirement.

We recognize that the jurisdiction for legislative branch human resources issues falls within the House Administration Committee. However, the GAO Union supports IFPTE's position that as this important legislation moves its way through Congress this Subcommittee, and full committee, work with the House Administration Committee to ensure that the federal employees of the legislative branch also enjoy these benefits.

GAO Union Looking Forward

The GAO Union is preparing to begin negotiations over our first master contract with GAO. The Union Assembly and officers have begun a deliberative process of reviewing the terms and conditions of work at GAO, including policies at GAO that are working well for employees. Some of the concerns we will be addressing in the master contract negotiations include the performance compensation system, the banded salary ranges (particularly some adverse affects that resulted from de-linking the salary ranges from the General Schedule), the Band IIB competitive placement process, and the grievance procedures for employees. We look forward to providing updates on our progress as we proceed.

INTERNATIONAL FEDERATION OF
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Dear Members of Congress,

The process of choosing the next Government Accountability Office (GAO) Comptroller General (CG) has important implications for GAO employees and the U.S. Congress. The International Federation of Professional & Technical Engineers (IFPTE) Local 1921 (GAO Union) would like to provide you our views on this critical selection process. Local 1921, representing about 1900 GAO Analysts, has developed the following summary of experience, skills, and characteristics that we believe are essential indicators of success for the next CG.

We are hopeful that these will prove to be helpful in your deliberations:

- Considerable experience, knowledge, and respect for the work processes involved in conducting analyses of public programs, including program evaluation, performance and financial audits. Such experience and knowledge could be gained through time and practice working as an auditor or researcher with service in government.
- Proven track record in sincere, honest, and effective organizational leadership skills that include superior listening and communicative skills.
- Knowledge of and respect for the importance of the appropriate methodological approaches for conducting program and financial audits, including the necessary resources and expertise required.
- Demonstrated history of respect and commitment to diversity in the workplace, including race, ethnicity, gender, disability status, veteran service, workers over 40, and sexual orientation.
- Demonstrated commitment and experience in working collaboratively with labor organizations.
- The capacity to respect our client, the U.S. Congress, while demonstrating a commitment to an independent and non-partisan approach to providing information for decision-making.
- Respect for GAO, its historic role and mission, and the consideration of these in the undertaking of change.
- Acknowledgement that with regard to pay and pay systems the following are essential: parity with the executive branch as a minimal standard; transparency and fairness; and the recognition and rewarding of work team performance in addition to individuals' performance.
- Recognizing the importance and value of the GAO field office structure, and its role in providing ready access to evaluate how federal program are working throughout the country.
- Commitment to the value of continuing professional development for all staff, including mission and mission support.
- Recognition of the value of flexible work arrangements that accommodate professionalism and work/life balance for all staff to help achieve our mission for the U.S. Congress.

The oversight that GAO assists the U.S. Congress in conducting is an essential aspect of good governance – and the need for high quality oversight continues to increase. The experience, skills, and characteristics summarized here are fundamental in our view, based on the lessons we have learned in working with GAO leaders. As you proceed in selecting candidates for the position of Comptroller General, we would be happy to provide questions or any other support that would be helpful.

Respectfully,

Ronald La Due Lake
President
GAO Employees Organization
IFPTE, Local 1921

GAO UNION'S PROPOSED SOLUTIONS TO DISPARATE TREATMENT

Ms. WASSERMAN SCHULTZ. Thank you very much, Mr. La Due Lake. On the issue of diversity training and the disparate treatment between minority employees and nonminority employees—certainly you can appreciate the value of diversity training, because I think that is always important.

Mr. LA DUE LAKE. Yes.

Ms. WASSERMAN SCHULTZ. And I am really pleased that they have resolved the compensation issues, because that was a lot of heartache we went through for a period of time. And I know that the GAO has not completed their plan for addressing the issue. And I believe Mr. Dodaro is committed to righting the wrong that exists right now. But what additional steps does the union membership believe should be taken by GAO to address it?

Mr. LA DUE LAKE. This is a very important question. It is a difficult issue. We feel that the results of the discrimination, of course, is the evidence that there is disparate treatment in ratings. We are certainly on board with diversity awareness and sensitivity training for all employees. Our concern is that the sort of problems that the Ivy Planning Group study, the Ivy report, identified included issues such as the "GAO Way," which included unwritten norms and rules of behavior where some employees seem to fit in and some employees do not seem to fit in.

Ms. WASSERMAN SCHULTZ. Unwritten?

Mr. LA DUE LAKE. Unwritten rules. The GAO Way was how the Ivy study referred to this. Our African American colleagues at GAO recognize this immediately in terms of their perception of missed opportunities in terms of their ratings, but also in terms of their opportunities for professional development. So our feeling is that we recognize this is a very difficult issue. But our feeling is strongly that in addition to diversity and sensitivity training, there need to be concrete steps that help to bridge these cultural gaps between employees from different backgrounds, from different cultural backgrounds.

Ms. WASSERMAN SCHULTZ. Like what?

Mr. LA DUE LAKE. Like the difference in—for instance, one employee may take a comment from a supervisor like everything's fine, you are doing fine, and assume that means they are doing outstanding and excellent work. Another employee may take that particular comment and assume I do not have enough details to know what that means, I am going to ask more questions and seek more information in order to know what "you are doing fine" means.

So this kind of communication, and I think GAO has a sincere interest in pursuing this, we think plays into some sort of a gap or misunderstanding between some employees and——

Ms. WASSERMAN SCHULTZ. Are you saying you attribute the communication gap, which sounds like what you are describing, to cultural norms in some instances?

Mr. LA DUE LAKE. Well, we think that plays into it. We also think that there is a difficult—it is a difficult problem at GAO in terms of candid, open, and constructive feedback to employees. This is very difficult before you introduce differences of race and culture.

This is a very difficult thing to do in a variety of ways. In one aspect, it is difficult because people are focused on the target, which is producing reports with worthwhile information to the U.S. Congress in a timely manner. So working with people ends up relegating you to a second. In another way it is very difficult because people have—they come from different backgrounds, and communicating about performance can be understood in different ways.

Ms. WASSERMAN SCHULTZ. Are there enough opportunities for supervisors—do supervisors take enough opportunities to communicate with their subordinates regardless of their minority status about the need to improve their performance, or is that part of the problem?

Mr. LA DUE LAKE. We think that is part of the problem. There are excellent supervisors who do this, Madam Chair. There are some supervisors who do not.

Ms. WASSERMAN SCHULTZ. Isn't that the case in any organization?

Mr. LA DUE LAKE. I think that is the case in any organization.

Ms. WASSERMAN SCHULTZ. So what is unique to GAO about the difference between minority employees and nonminority employees and that type of communication?

Mr. LA DUE LAKE. I am not sure that there is anything unique to GAO in particular, except that this has been a long-standing problem that may or may not be unique to GAO. We are concerned that this kind of problem that is extremely sensitive and problematic sometimes historically has been addressed in a thin approach rather than a deep approach, really getting at the issues that create these kinds of gaps in understanding.

Ms. WASSERMAN SCHULTZ. I agree with you that it needs to be a broad-based and comprehensive approach to come closer to ensuring that we can reduce the size of the problem and have it show in the more comparable evaluations of employees regardless of their minority status. Thank you very much.

Mr. LA DUE LAKE. Thank you.

Ms. WASSERMAN SCHULTZ. Mr. Aderholt.

EXTENT OF DISPARATE TREATMENT

Mr. ADERHOLT. On the cultural differences that you are referring to, do you tend to see the biggest problems with African Americans as opposed to the other nationalities or different cultures?

Mr. LA DUE LAKE. Other racial or ethnic groups? That is an excellent question. The reason that we are able to speak about differences between African Americans and Caucasians is there has been long-standing concern about this on the part of employees, on the part of employees in Blacks in Government, who have been pushing GAO to address this issue. The Ivy Planning Group study particularly addressed African Americans and Caucasian employees. They looked at those differences in ratings since the revisions in our performance management compensation system since 2002. We do know that Hispanics and Asian Americans through their employee liaison groups at GAO also have perceptions of a glass ceiling at GAO in terms of their opportunities for advancement, but we do not have the kind of data that we have regarding African Americans and Caucasians as a result of the Ivy study. That kind

of information we have not been able—the employee groups have not been able to obtain in order to look at those differences for particular Hispanics and Asian Americans over time.

Mr. ADERHOLT. Okay. All right. Thank you. That is all I have.

Ms. WASSERMAN SCHULTZ. Mr. Cole.

PRAISE FOR GAO'S WORK

Mr. COLE. Just a comment really, rather than a question. I just want to thank you for the wonderful work that the GAO does. I probably had more occasions since I have been on this committee to see GAO studies than I did in my previous time in Congress. I really appreciate the high quality of the work. It is really superb. So thank you.

Mr. LA DUE LAKE. Thank you very much. We appreciate hearing that.

DATA ON HISPANIC GAO EMPLOYEES

Ms. WASSERMAN SCHULTZ. Thank you. Just to go back to the Hispanic employees——

Mr. LA DUE LAKE. Yes.

Ms. WASSERMAN SCHULTZ [continuing]. Why has there not been the ability to obtain that data?

Mr. LA DUE LAKE. You know, I do not know exactly. The PAB, the appeals board that we have in place to handle appeal matters, has done a report recently that has identified this as an issue, and they have been able to gather some of this data. They have observed, for instance, that although the Hispanic population largely has grown over the last several years, the percentage of Hispanic employees at GAO has diminished, has become smaller. I do not have those numbers at the top of my head. In the context of the union, we have the ability to access data or information like this when we are actually engaged in negotiations over a particular policy. We hope in the course of our master contract negotiations that these kinds of issues we could address in some way in our master contract, and then we would be able to access this kind of information. Outside of that process, GAO has been very reserved about providing this type of historical information to employee groups to allow them to do analysis such as this.

Ms. WASSERMAN SCHULTZ. Could you ask the Hispanic Employees Association to communicate with our committee staff so that we could get more information——

Mr. LA DUE LAKE. Yes.

Ms. WASSERMAN SCHULTZ [continuing]. And get their perspective?

Mr. LA DUE LAKE. I will be happy to.

Ms. WASSERMAN SCHULTZ. Thank you. Thank you very much, Mr. La Due Lake.

Mr. LA DUE LAKE. Thank you.

CONGRESSIONAL RESEARCH EMPLOYEES ASSOCIATION

Ms. WASSERMAN SCHULTZ. Now we will hear from Dennis Roth, who is president of the Congressional Research Employees Association.

TUESDAY, MAY 5, 2009.

WORK ENVIRONMENT AT CONGRESSIONAL RESEARCH SERVICE

WITNESS

DENNIS ROTH, PRESIDENT, CONGRESSIONAL RESEARCH EMPLOYEES ASSOCIATION

Mr. ROTH. Good morning.

Ms. WASSERMAN SCHULTZ. Mr. Roth, welcome. Your full statement will be entered into the record. You can proceed with a 5-minute summary. It is good to see you again.

TESTIMONY OF MR. ROTH, CREA

Mr. ROTH. Thank you. Madam Chair, Ranking Member Aderholt, my name is Dennis Roth, President of the Congressional Research Employees Association, the union representing all employees of the Congressional Research Service. On behalf of all CREA elected officials and our members, I thank you for giving us the opportunity to testify this morning. In the fall of 2007, the Library, in its fiscal year 2008–2013 strategic plan, stated it would work to become "recognized as an employer of choice for public service through realization of human potential and high performance." Over a year-and-a-half later, efforts to achieve this outcome have been minimal.

UPWARD MOBILITY FOR CRS EMPLOYEES

A long-standing Library and CRS workforce concern has been the paucity of opportunities for upward mobility. While a significant percentage of the Library workforce and CRS's workforce continues to retire over the next several years, opportunities will abound. The Library needs to complete its Library-wide succession plan, identify future positions and required competencies. Then, hopefully with the assistance of its unions, the Library can develop strategies to address skill gaps for future positions that include the use of current staff. This would be a significant first step to becoming an employer of choice. In the fall of 2008, the Library took another step in this direction when it administered OPM's Federal Human Capital Survey to measure employee perceptions whether, and to what extent, conditions characterizing successful organizations are present in the Library.

However, this effort was minimized by the fact that the Library opted not to include a question to identify the service unit in which the respondent worked. Consequently, one cannot determine whether the findings are representative of the Library as a whole, and certainly not of any given service unit such as the Congressional Research Service. To try to correct this problem, the Library has requested the management of each service unit to consult with their staff to try to determine whether the aggregated results reported by OPM reflect the environment within their own union. These face-to-face discussions compromised the original strength of the survey, anonymity and confidentiality, and reduced the probability of frank and open participation. Any information gathered in this forum must be considered anecdotal rather than scientific.

TELEWORK AT CRS

A lot of time and resources have not been well spent. An employer of choice would offer workforce flexibility. This is not the case at CRS. Our current telework policy remains highly restrictive because of the director's intractable belief that Congress regularly requires CRS staff to be able to come to your offices at a moment's notice for face-to-face consultations. Other forms of communication would not be sufficient. While this could and does happen, such instances are infrequent, and should not serve as a ban for telework. Regardless, our telework program can be designed to accommodate such situations.

Last week, OPM Director John Berry announced a broad telework plan for executive branch employees, including elements from House Bill 1722. The Library of Congress, including CRS, must have similar telework legislation. And while the bill would exclude employees whose duties and responsibilities require "daily face-to-face contact" with other people, you need to make it clear to the director of CRS that our face-to-face contact is occasional and not daily. The director must be informed that it is okay with you to give a flexible telework policy an opportunity to succeed. The perception of the need for face-to-face meetings at a moment's notice has resulted in other workforce inflexibilities.

These include an unwillingness to entertain the use of credit hours, an unwillingness to change starting times by as few as 30 minutes, an unwillingness to consider job sharing, and an overall unfavorable attitude towards part-time work.

TOP-DOWN MANAGEMENT STYLE

Another factor going against CRS being considered an employer of choice is the management style of its top level managers. Major decisions affecting working conditions are made without the input provided of staff. Staff feels that management makes decisions unaware or unappreciative of their concerns and professionalism. Management considers those who express their concerns as being overly resistant to change. The Nuclear Regulatory Commission rated highest in the survey I mentioned earlier. The reasons cited by management? Openness. This is what is needed at CRS. There is considerable speculation that President Obama will take steps to foster collaboration between Federal sector unions and management in the executive branch. We ask that when this happens, members of this subcommittee support similar actions for the legislative branch, and in particular encourage CRS management and CREA to take concrete steps to work more cooperatively.

We would also like to acknowledge and support the Library's request for funds to increase the transit subsidy to the full amount allowed by OPM. And one final thought. President Obama recently asked executive branch employees to offer suggestions on how to make their work more efficient and save money. We would like to see the same request come from our budget subcommittees, with you or a neutral party being the recipient of suggestions to protect anonymity. This concludes my testimony. 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
May 5, 2009

Madam Chairwoman and Members of the Subcommittee,

My name is Dennis Roth, and I am President of the Congressional Research Employees Association or CREA. We are the exclusive representative of all employees in the Congressional Research Service. On behalf of all the CREA elected officials and our members I thank you for giving us the opportunity to testify today.

I would like to focus my comments today on the work environment at CRS, and the Library as a whole, and make the following points. First, CREA strongly believes that more can, and should, be done within CRS and the Library to provide staff with opportunities to move up within the organization. While there are programs in place to provide training that would give employees that skills needed to accomplish this, there has not been the commitment to take the next step and promote from within. Second, CREA was pleased to hear about the Library's willingness to participate in the 2008 Federal Human Capital Survey, but has concerns about the way the survey was implemented and the subsequent follow-up. CREA believes that CRS employees should have an anonymous and confidential mechanism to provide management feedback on the extent to which conditions that characterize successful organizations are present in their agency. Third, CREA urges the Subcommittee to support efforts giving CRS employees a more flexible telework option. CRS management cites Congress's needs as its reasons for being unwilling to consider a more flexible policy. We need Congress to spur CRS to be more flexible. Fourth, CREA asks the Subcommittee to encourage both CRS management and CREA to take concrete steps to improve their working relationship. I will conclude with a brief discussion on the CRS budget, and an update on the reorganization of the Office of Opportunity, Inclusiveness, and Compliance.

The FY2010 Budget Request and the FY 2008- 2013 Strategic Plan's Workforce Goal

In the fall of 2007 the Library issued its Fiscal Years 2008-2013 Strategic Plan. The Strategic Plan identified five strategic goals. Of particular interest to CREA members is the strategic goal entitled "Workforce." As I testified a year ago, the Library's FY 2009 Budget Justification made little mention of this goal other than to state that it would "...receive focused attention and a commitment to action." The Library's current budget submission gives this goal minimal attention once again. It does mention some efforts associated with the Workforce goal, such as: the number of supervisors taking the supervisor development program, the intention to maintain an aggressive recruitment of qualified and diverse candidate employees, and the intention to begin a senior-level development program. However, there is little reporting on any of the specific measures stated in the Strategic Plan that would be used to evaluate the Library's progress in this area.

An ongoing workforce concern among staff has been the paucity of opportunities for upward mobility within the Library and within CRS. As with most Federal agencies, a significant percentage of the Library's workforce is ready to retire. Now is an excellent opportunity to assist and develop expertise within the current staff to fill many of these jobs. However, CRS and the Library continue

to hire overwhelmingly from the outside. While some of this is necessary, current staff should be given sufficient opportunities to demonstrate that they can be the workforce of the future for CRS and the Library.

There are already programs "on the books" to do this. In CRS there is the Career Opportunity Program and the Library has the Affirmative Employment Programs, the newly developed Career Development Program (for staff in lower graded positions) and will launch a revised Leadership Development Program (for staff in the middle grades). We applaud the Library for establishing these programs, but they are not being fully supported. Furthermore, it is equally important that management be committed to the next step in the process and promote participants in these programs into the positions for which they are being trained.

To help these programs succeed , the Library must also complete, soon, its promised detailed 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, to move this initiative forward. Regardless, we believe that the Library, including CRS, should be developing an internal selection policy so that they will be ready to fill positions identified in the succession plan from within.

Federal Human Capital Survey 2008

In late 2008 the Library had OPM administer its Federal Human Capital Survey (FHCS) to Library of Congress employees. OPM characterizes the survey as

> " a tool that measures employees' perceptions of whether, and to what extent, conditions characterizing successful organizations are present in their agencies."

I want to state at the outset that CREA applauded the Library's decision to have Library employees participate in this Survey. CREA has suggested that this be done in past testimony. Unfortunately, the Library intentionally excluded a critical question, "Which Service Unit do you work in?" Consequently, while the results of the Survey are an aggregate across the Library, it is not clear that it is representative of the Library, as a whole, or of any given Service Unit, given the potential bias in participation rates between Service Units. Furthermore, each Service Unit is a distinct culture, with different missions and different sets of employee/management issues. The Survey is unable to distinguish how employees in CRS feel from how people in Copyright, or Library Services, or the Law Library feel.

For example, one of the questions in the Survey asks "How satisfied are you with telework/telecommuting." CRS has a very restrictive, essentially non-existent telework policy compared to other parts of the Library. To assume that the results from that question represent the experience of CRS employees would be misleading. Similarly, 73.8% responded positively to the question, "My supervisors support my need to balance work and other life issues." Is this reflective of how CRS employees feel when CRS is the only Unit in the Library that doesn't offer its bargaining unit employees credit hours?

In an effort to address this issue, the Library has now asked the management of each Service Unit to consult with their staff to try and determine whether the aggregated results accurately reflect the environment within their individual Units and to develop action plans to address those areas identified as in need of improvement. This process compromises the original strengths of the Survey - anonymity and confidentiality. It is reasonable to assume that staff might not feel free to critique

management openly, in person. Also, the informal nature of these discussions make any attempted refinement of the Survey results even less meaningful. In the meantime, a significant amount of staff time and energy and money is being spent on what CREA regrettably feels has been a lost opportunity.

The Library has informed staff that it is their intention to offer the Survey again, and that this time, results will be broken out by Service Unit. We strongly support this, and ask the Subcommittee to require the Library and CRS to report on its results.

Telework

If I may focus a moment on the question of telework, last year when I raised this issue with this Subcommittee the chairwoman noted that CRS would be an appropriate organization to support telework because of its research nature. We agree. However, CRS management will not entertain any proposal to make telework more available to staff. As mentioned earlier, current policy is highly restrictive and is premised on the intractable belief by our director that Congress wants CRS staff to be able to come to your offices, in person, at a moment's notice. We agree that this could be the case in certain situations. However, it is the experience of CRS employees that this does not happen very often. A reasonably designed telework program can accommodate these situations. CRS staff are highly motivated and highly dedicated to serving Congress, and they should be trusted to make themselves available in-person when needed. We request your assistance by strongly encouraging CRS to be more flexible in granting work-at-home requests.

Currently, there are two major telework bills that have been introduced in Congress, H.R. 1722, the *Telework Improvements Act of 2009* and S. 707, the *Telework Enhancement Act*, that seek to expand telework in the Federal government. The Library of Congress, including CRS, currently is not covered by these bills. As these bills work their way through the legislative process, we request that the Library of Congress, including CRS, be covered in the final passage of these bills. However, these bills allow the agency head to make ineligible those employees whose duties and responsibilities require "daily face-to-face contact" with other people or require "on a daily (every day) basis on-site activity that cannot be done remotely." Given CRS management's current position, one would expect the director to use this authority to keep the current restrictive policy. We request that you tell CRS that it is okay with you to give a more flexible telework policy a try. Such a program can be implemented slowly at first and, as the experience demonstrates its viability, become more widespread.

This perception that the Congress needs face-to-face meetings with CRS staff at a moment's notice has also resulted in other workforce inflexibilities. These include the unwillingness to entertain the use of credit hours, denials of starting work 30 minutes earlier, an unwillingness to consider job sharing, and an overall negative opinion towards part-time work.

Labor/Management Relations

One of the questions asked in the above-mentioned Survey was "How satisfied are you with your involvement in decision that affect your work?" I believe, from employee discussions that we hear, that CRS top level management would not be judged positively on this question. Over the last few years, top level CRS management has made decisions affecting staff without staff input or buy-in. This top-down style of management has created an us versus them feeling on both sides. Staff feel that management makes its decisions unaware or unappreciative of staff concerns or professionalism. Management considers those that express their concerns as being overly resistant

to change. Staff in turn feel management is uncaring or dismissive. Management responds by saying employees should be grateful to be able to work at CRS, insinuating that they are not. Management tries to address this problem with more communications. Staff perceives it more as an issue of trust and participation.

This top-down management style spills over into management's relationship with the union. Often, the staff come to CREA to intercede and CREA has an obligation to request bargaining over those changes that adversely affect employees. But, more often than not, management resists any effort to bargain, locking us in a perpetual adversarial relationship. We would like to break this cycle. We have requested that the Director adopt a more consultative management approach, as provided for in our Collective Bargaining Agreement.

There is considerable speculation that President Obama will take steps to foster collaboration between Federal sector unions and management in the Executive Branch. We ask that when this happens members of this Subcommittee support similar actions for the Legislative Branch and, in particular, to encourage CRS management and CREA to take concrete steps to work more cooperatively.

CRS Budget Request

In addition to its request to cover mandatory increases, CRS has requested additional funding for technology enhancements. CREA supports the $500 thousand request for the purchase of network storage and switch hardware. A stated outcome of this expenditure would be to "allow staff to seamlessly continue working on critical issues during casualty situations." We support this request. We would also note that it puts to rest another one of management's arguments that staff cannot work from home because of security and other technical reasons. If we can do it in "casualty situations," we can do it as a normal course of business.

CRS is also requesting $1.8 million "to modernize its research and management systems and the technical environment which supports them." CREA cannot comment on this request because we have not been briefed on its details and do not know what impact it will have on staff. We are cautionary because recent changes in technology, or those about to take place, have had or will have consequences on staff that many employees have problems with.

We would also like to acknowledge that the increase in mandatory costs include funds to increase transit subsidies to the full amount allowed by OPM. Even so, we would like to draw your attention to a couple other employee concerns requiring relatively small amounts of funding which continue to go unattended, such as the Career Opportunity Program to improve internal upward mobility and a renewed effort to establish a student loan program to help recruit and retain talented young new hires. We ask the Subcommittee to consider encouraging CRS to support these two concerns.

Office of Opportunity, Inclusiveness, and Compliance

I would like to take just a minute to thank you for you intervention in the restructuring of the Library's Office of Workforce Diversity, now called the Office of Opportunity, Inclusiveness, and Compliance. Because of your input, what started out to be a wholesale and immediate dismissal of staff became an orderly examination and evaluation of what was needed to carry out the mandated functions of the office and what changes the Library had to make. Even though the Library told you that the vacancy announcement for head of the office was to posted in May of

2008, the position still remains vacant. The Library must step up its effort on completing the reorganization so it can meet its legal affirmative action and discrimination complaint process obligations. The Library's current Multi-Year Affirmative Employment Program Plan is woefully out of date.

Summary

The Workforce goal of the Library's Strategic Plan makes a commitment to the Congress, the public, and most importantly staff, to be "an employer of choice for public service through realization of human potential and high performance." The Library has identified how it will measure its progress in achieving this goal; yet it has failed to report how well, or how poorly it is doing.

The Subcommittee should be cautious about any conclusions drawn from the recent Federal Human Capital Survey as it was applied to the Library. The Library did not have it conducted in such a fashion that the results can help the Library achieve its goal of a model Federal employer. It should be held again, broken out by Service Unit.

And finally, it is time for CRS to exhibit a more open style of management and to make more flexible the Service work environment. Today's younger workers have different expectations toward the work environment and new incentives must be offered to recruit and retain them. We are not keeping up with the practices of the 21st century.

Finally, the Library and CRS are largely unaccountable except to you. Library staff and CRS employees look to you to hold management to its commitments and the goals to which they have committed themselves.

This concludes my testimony and I would be happy to address any questions you may have.

SUBCOMMITTEE ACTION ON CRS TELEWORK POLICY

Ms. WASSERMAN SCHULTZ. Thank you very much, Mr. Roth. You know, I continue to be vexed by why CRS has not been able to resolve the concerns of the employees over telework and part-time work and job sharing. I mean, this is 2009. And other Federal agencies seem to be able to come up with a reasonable policy that allows workers who are parents or who have challenging family environments at home, whether it is caring for a sick family member or whatever the reason, seem to be able to work out a policy that is conducive to being able to be a good family member and a good employee.

So I can assure you that because I have tried in the past to do it without language in the Legislative Branch Subcommittee bill, that now we will do it that way instead of through communication with the leadership at CRS.

Mr. ROTH. Thank you.

Ms. WASSERMAN SCHULTZ. So I appreciate that. That is why the public witness hearing is important. And as I said, I have tried to do it through communication and encouragement and cajoling, and as someone who lives my life balancing work and family every day and knows what a struggle it is, and as someone who is a Member of Congress who understands that we do not need at a moment's notice access to CRS employees, it is reasonable to expect that we can let you know that we want to have a briefing from a CRS employee on a particular subject, and that that can be planned for, and that instead of working from home that day that the employee, if they are needed to brief a Member of Congress, can actually schedule the time to come to the Member's office instead of working from home that day. That seems entirely reasonable.

Mr. ROTH. And employees who have, I will call it the hot topics, will not even volunteer to work at home. We will be here for you.

LACK OF NOTICE ABOUT NEW OFFICE OF OPPORTUNITY

Ms. WASSERMAN SCHULTZ. Right. Individuals who cannot have that type of flexible work environment can have that be a part of the policy at CRS as well. So thank you for bringing that to our attention as continuing to be a problem again. The Office of Opportunity, Inclusiveness, and Compliance I know is being reorganized, and I had concerns last year about why it was being reorganized. But I have a clear understanding of the need to do it. You expressed concern about the slowness, and you are not the only component of the Library of Congress that has expressed that concern. So what has been the issue with the amount of access that employees have had to that office?

Mr. ROTH. The access is there, but when people learn about the reorganization, they think the Office has basically disappeared. So there is a strong staff perception that there is nothing there now but dispute resolution and EEO claims. They have to search it out. No public announcement was made by Library management that changes are being made and here is what to do in the interim until the new system has been instituted. They still have not hired the new director for the office. The union presidents met with Jo Ann Jenkins probably just short of a month ago, and she told us she

was in the process of doing reference checks. So it is over a year now, or will be a year since they promised to post and have this done in a short duration. And the staff that would be under the director will not be hired until the director comes in, because it makes sense for that person to be able to pick their own staff people.

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

Mr. ADERHOLT. I do not have anything. Thank you, Mr. Roth, for being here.

Ms. WASSERMAN SCHULTZ. Okay. Ms. McCollum, did you have questions for the CRS?

Ms. MCCOLLUM. No, I did not, Madam Chair. I am not going to apologize for being with a large group of constituents who flew out here despite the economy and the H1N1, aka, swine flu.

Ms. WASSERMAN SCHULTZ. No apology necessary. But I want to point out to you, I know this is an important issue for you as well. Mr. Roth in his testimony talked about the difficulty that the employees at CRS continue to have with establishing a reasonable telework, part-time, job sharing policy. And Ms. McCollum, in fiscal year 2009 we had a conversation with Mr. Mulhollan about trying to negotiate a better and more reasonable policy. That does not appear to have happened. So it is my opinion, working with Mr. Aderholt and the members of the minority, that we will need to come up with some language for our bill that will ensure that that process moves forward for the employees. Since I know that is an important issue for you, I did not want you to miss that.

Ms. MCCOLLUM. Thank you.

GPO POLICE LABOR COMMITTEE

Ms. WASSERMAN SCHULTZ. Next we will hear from Alvin Hardwick, who is the chairman of the GPO's Police Labor Committee. Mr. Hardwick welcome to the subcommittee. Your full statement will be entered into the record, and you can proceed with a 5-minute summary.

TUESDAY, MAY 5, 2009.

GOVERNMENT PRINTING OFFICE POLICE ISSUES

WITNESSES

ALVIN HARDWICK, CHAIRMAN, GOVERNMENT PRINTING OFFICE POLICE LABOR COMMITTEE

TESTIMONY OF MR. HARDWICK, GPO POLICE UNION

Mr. HARDWICK. Good morning, Madam Chair.

Ms. WASSERMAN SCHULTZ. Good morning.

Mr. HARDWICK [continuing]. and Ranking Member Aderholt and distinguished members of the subcommittee. My name is Alvin Hardwick, and I am the chairman of the Government Printing Office GPO Police Labor Committee, Fraternal Order of Police D.C. Lodge 1. The GPO police force is now comprised of 45 officers who protect the buildings in Washington and Maryland. They have done a fine job protecting the vital and sensitive documents at these lo-

cations 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, DC.

Despite the importance of the jobs done by GPO officers, they have been understaffed and underfunded for many years. The GPO police department should have 65 officers, the size of the force 12 years ago. The number of officers has increased since the last time I testified before this committee, but it is barely two-thirds of what is needed. The GPO police force is one of the few police forces to have fewer officers since September 11th, 2001. The gaps in security at the GPO building in Washington, DC are astounding.

At the entrance point for visitors, there are no GPO police officers, but instead merely private security guards. At the loading dock in the back, where most of the sensitive documents that pass through the GPO are located, there is at most one security officer and no GPO police officers. Furthermore, in the area where Capitol Police stores a number of HAZMAT vehicles, there are no GPO police officers which can respond when there is a need for an emergency. Instead of hiring more law enforcement officers, the previous Public Printer began privatizing the security force at the GPO building in 2004. He requested 15 private security guards, claiming that this would save 3.8 million over 4 years. However, the security gaps began to increase due to the understaffing of officers.

The former Public Printer requested in December of 2006 an additional 22 security guards at an annual cost of $1.2 million, completely negating any supposed cost savings that he attempted to wring out of the Department in 2004. Using security guards to do the job of federally-trained officers not only does not save money, it also weakens security considerably. Indeed, these lapses at the GPO building represent a considerable security threat. Security guards do not have the training, the experience, or the wherewithal to protect that building. Although they are armed, they have not received training at the Federal Law Enforcement Training Center, which every GPO officer is required to receive. They cannot assist other law enforcement agencies in 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 the complex which GPO officers have assisted in preventing. The security aides can offer no such protection.

Furthermore, because of the move to replace GPO police officers with private security guards, if there were an attack on an installation within a few blocks of the GPO complex, such as the Capitol, Union Station, or the myriad of buildings within a few blocks of the GPO, there would be few officers, few GPO officers available to assist. And again, these private security aides cannot act beyond GPO's building. It is an egregious mistake on the part of the former Public Printer to think these public guards can provide better security than GPO police. What is happening to the GPO is not unique to Federal law enforcement. Over the past few years, we have seen a gradual shift in responsibilities, manpower, and funding away from highly trained, highly professional law enforcement

officers to unqualified and poorly trained contract security guards. This cost cutting move has not only jeopardized the security of the installations where this has occurred, but it has shaken the morale of the Federally sworn law enforcement officers who have seen their job responsibilities irrevocably reduced. The officers at the GPO are trained at the Federal Law Enforcement Training Center, and are highly qualified to do their jobs.

Contract security guards are not trained at FLETC, and are not held to the same rigorous standards as Federal law enforcement officers. Examples abound of the ineptitude of these contract security guards, and GPO has been ceding more and more responsibility over the past few years. Yet the contracting of private security has continued unabated. Since May of 2007, only 11 uniformed police officers have been hired at GPO, compared to approximately 24 security guards. From fiscal year 2007 to fiscal year 2008, personnel compensation and benefits for uniformed police officers has increased by $684,500, or 16.24 percent, while the budget for the security guards was increased by $1,411,500, or over 150 percent.

In addition to not hiring enough officers, the Public Printer has sought to impose new and more stringent PT tests as a strategy to undermine the police force and implement more privatization. This new standard would be greater than the one required by Capitol Police, who have significantly higher pay and section 6(c) retirement benefits. This would make hiring new GPO police officers even more difficult when competing against the Capitol Police and other area departments. The Public Printer also is attempting to implement PT tests for promotions, and if the officer fails they are processed for removal. No other department in the Nation forces an officer to perform a PT test in order to be promoted. Other officers and I believe this process was set up to force the older officers off the job and keep them from seeking promotions.

This hurts the police force morale and causes some officers to leave for other departments, who are then likely to be replaced by private security guards. Contract security is not, nor can it ever be, a replacement for a fully sworn law enforcement officer. Transferring responsibility to these security guards in these agencies has been the wrong thing to do, and the GPO would be wise to stop this course of action.

Ms. WASSERMAN SCHULTZ. Mr. Hardwick, I am going to have to recess the committee for a half hour in a few minutes, and I want to be able to ask you some questions. So if you could begin to wrap up your remarks.

Mr. HARDWICK. Okay. I can conclude.

Ms. WASSERMAN SCHULTZ. I did not mean to stop you in your tracks. Did you have anything else wanted to add?

Mr. HARDWICK. That is fine. You already have my statement for the record.

[Mr. Hardwick's prepared statement follows:]

Testimony of Alvin Hardwick

Chairman

Government Printing Office Police Labor Committee
Fraternal Order of Police
D.C. Lodge #1

"Legislative Branch Appropriations: Government Printing Office Police"

5 May 2009

Good morning Madam Chairman, Ranking Member Aderholt, and distinguished members of the Subcommittee. My name is Alvin Hardwick, and I am the 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 forty-five (45) 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.

Despite the importance of the jobs done by GPO officers, they have been understaffed and underfunded for many years. The GPO police department should have sixty-five (65) officers, the size of the force twelve (12) years ago. The number of officers has increased since the last time I testified before this committee, but it is barely two thirds of what is needed. The GPO police force is one of the few police forces to have fewer officers since September 11, 2001.

The gaps in the security at the GPO building in Washington, D.C. are astounding. At the entrance point for visitors, there are no GPO police officers, but instead merely private security guards. At the loading dock in the back, where most of the sensitive documents that pass through the GPO are located, there is at most one officer assigned.

Furthermore, in the area where Capitol Police stores a number of Hazmat vehicles in the GPO building in case of an emergency, there are no GPO police officers present to provide even a modicum of security.

Instead of hiring more law enforcement officers the previous public printer began privatizing the security force at the GPO building. In 2004 he requested 15 private security guards claiming that this would save $3.8 million over 4 years. However, when security gaps began to increase due to the understaffing of officers, the former Public Printer requested in December of 2006, an additional twenty-two (22) security guards, at an annual cost of $1.2 million, completely negating any of the supposed cost savings that he attempted to wring out of the department in 2004.

Using security guards to do the job of federally trained officers not only doesn't save money, it also weakens security considerably. Indeed, these lapses at the GPO building represent a considerable security threat. The security guards do not have the training, the experience, or the wherewithal to protect that building. Although they are armed, they have not received training at the Federal Law Enforcement Training Center (FLETC), which every GPO officer is required to receive. 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, because of the move to replace GPO police officers with these private security guards, if there were 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 available to assist -- and again, these private security aides cannot act beyond GPO's building. It is an egregious mistake on the part of the former Public Printer to think that these private guards can provide better security than the GPO police.

What is happening to the GPO is not unique to Federal law enforcement. Over the past few years we have seen a gradual shift of responsibilities, manpower, and funding away from the highly trained and highly professional Federal law enforcement officers to unqualified and poorly trained contract security guards. This "cost-cutting" move has not only jeopardized the security of the installations where this has occurred, but has shaken the morale of the Federally sworn law enforcement officers who have seen their job responsibilities irrevocably reduced.

The officers at the GPO are trained at the Federal Law Enforcement Training Center (FLETC) and are highly qualified to do their jobs. Contract security guards are not trained at FLETC and are not held to the same rigorous standards as Federal law enforcement officers. Examples abound of the ineptitude of these contract security guards at the GPO who have been ceded more and more responsibility over the past few years.

Yet the contracting of private security has continued unabated. Since May of 2007, only eleven (11) uniformed police officers have been hired at the GPO, compared to approximately 24 security guards. From Fiscal Year 2007 to Fiscal year 2008 Personnel Compensation and benefits for Uniformed Police officers increased by $684,500 or 16.24% while the budget for security guards was increased by $1,411,500 or over 150%.

In addition to not hiring enough officers the Public Printer has sought to impose a new and more stringent "pt test" as a strategy to undermine the police force and implement more privatization. This new standard would be greater than the one required by Capitol Police, who have significantly higher pay and Section 6 (c) retirement benefits. This would make hiring new GPO police officers even more difficult when competing against the Capitol Police and other area departments. The Public Printer also is attempting to implement pt testing for promotions and if the officer fails they are processed for demotion and or removal. No other department in the nation forces an officer to perform a pt test in order to be promoted. Other officers and I believe this process was set up to force the older officers off the job and keep them from seeking promotions. This hurts the police force's morale and causes some officers to leave for other departments, who are then likely to be replaced by private security guards.

Contract security is not, nor can it ever be, a replacement for fully sworn law enforcement officers. Transferring responsibility to security guards in these agencies has been the wrong thing to do, and the GPO would be wise to stop this course of action.

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, which leaves the GPO police at the whim of whatever the Public Printer seeks to earmark for them. The GPO police budget must 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.

PASSPORT FACILITY SECURITY

Ms. WASSERMAN SCHULTZ. Okay. Thank you very much. The committee appreciates your testimony of 2 years ago, when we were first reestablished, and you came to the public witness hearing and pointed out that security guards were actually guarding the passport facility, as opposed to sworn law enforcement officers, which the committee members on both sides of the aisle were shocked to learn. And subsequently, we included language in our bill that ensured that it would be sworn officers that guard the facility. And I am assured that that is the case today. Correct?

Mr. HARDWICK. Partially so. Our local passport facility, yes, we do have officers, but in the Mississippi passport facility that is all contract security guards.

Ms. WASSERMAN SCHULTZ. Okay. That is interesting. I guess we were not specific enough. That facility was not open at the time.

Mr. HARDWICK. Well, it was in the process.

Ms. WASSERMAN SCHULTZ. Right.

Mr. HARDWICK. And our management has a history of answering only what is asked.

Ms. MCCOLLUM. Just like our kids sometimes.

Ms. WASSERMAN SCHULTZ. Okay.

Mr. HARDWICK. We had some follow-up with GAO, which was good, in reference to our last testimony. And some things in there were cleared up as to what has transpired since then. I know that since the last testimony GPO was directed to hire 17 officers. It has now taken them 2 years to hire them, and they still do not have the 17 people.

Ms. WASSERMAN SCHULTZ. I know they are in the process of hiring now.

Mr. HARDWICK. It shouldn't take 2 years to hire 17 people.

Ms. WASSERMAN SCHULTZ. No.

Mr. HARDWICK. And with these increasing standards, these standards much higher than what is required of Capitol, Secret Service or Park Police, and we feel this is a way to discourage——

PHYSICAL REQUIREMENTS

Ms. WASSERMAN SCHULTZ. I know you need to get into some negotiations over making your PT requirements closer to the Capitol Police, correct?

Mr. HARDWICK. Capitol Police do not have any PT requirements.

Ms. WASSERMAN SCHULTZ. They do not have one at all?

Mr. HARDWICK. They have an entry requirement, which all agencies do. At our agency they want to implement it annually. And what happens if the officer does not pass it, he is removed from his job. They have also attempted to implement a PT requirement for promotion, which no department in the country does. So our looking at the standards compared to other agencies and departments, they are much higher. I would understand if we had a response team or people who were required to SWAT team or what not.

Ms. WASSERMAN SCHULTZ. Is there anything unique about GPO officers that would make it necessary to have those PT requirements for promotion or hiring?

Mr. HARDWICK. No, no.

Ms. WASSERMAN SCHULTZ. You do not do anything particularly acrobatic at GPO?

Mr. HARDWICK. We do not do anything that is required of any other officer on Capitol Hill or any other place. We have got officers who are specially trained to do specialized duties, but again there are no special PT requirements for those.

GPO SECURITY GAPS

Ms. WASSERMAN SCHULTZ. What are the biggest gaps in security that you think need the coverage by a law enforcement officer as opposed to a security guard?

Mr. HARDWICK. The training that they receive as opposed to ours.

Ms. WASSERMAN SCHULTZ. No, which facilities? Where you currently think—where GPO currently has security guards covering where you think it is inappropriate and it is not related just to the fact that you represent law enforcement officers. I am talking about safety and security.

Mr. HARDWICK. At GPO we find that the biggest complaint is we have citizens come off the street, or even have the employees come in and the first person they make contact with is a security guard, who are improperly trained or will not respond in kind as needed for an emergency. We have not had any such incidents at the Mississippi facility as yet. However, if they had, it would definitely be brought to our attention.

Ms. WASSERMAN SCHULTZ. The passport facility I would be more concerned about the vulnerability of the facility being covered by security guards, which is what the concern was 2 years ago. I am talking about the facilities here in terms of their vulnerability, and what it is that is inside them that would require instead of coverage by a security guard, coverage by a law enforcement officer. Where are those gaps that concern you?

Mr. HARDWICK. In our entry areas and our response force. Right now our response force consists of two officers.

Ms. WASSERMAN SCHULTZ. Two officers?

Mr. HARDWICK. Two officers.

Ms. WASSERMAN SCHULTZ. Response force in terms of what?

Mr. HARDWICK. In terms of if there were an emergency in the facility, in the passport facility and the main facility.

Ms. WASSERMAN SCHULTZ. They send two officers?

Mr. HARDWICK. Two officers, that is their responsibilities. Now, many will respond if they are directed to, but for numbers sake, there are only two officers assigned.

Ms. WASSERMAN SCHULTZ. Is that part of your collective bargaining agreement or just the policy of GPO?

Mr. HARDWICK. That is just what management came up with. Not a part of our collective bargaining.

ROLE FOR CONTRACT GUARDS

Ms. WASSERMAN SCHULTZ. Okay. Do you think that there is any role for security officers at GPO?

Mr. HARDWICK. No.

Ms. WASSERMAN SCHULTZ. So you do not think there should be security officers employed by GPO? They should be all law enforcement officers?

Mr. HARDWICK. Yes.

Ms. WASSERMAN SCHULTZ. Why?

Mr. HARDWICK. Because of the dedication to duty and responsibility and the dynamics of it. If something happens in the Mississippi facility, and at one time we were tasked with being sent there temporarily, we would also have to respond to our Maryland facilities. Security guards are responsible only for what is going on inside. They cannot respond outside. We have problems with them on the street or things that they are not doing, they are not supposed to be doing. We report just to management. It is heard with a deaf ear and a blind eye.

Ms. WASSERMAN SCHULTZ. Has there ever been an incident that you can attribute that has occurred because there was coverage by a security guard as opposed to a law enforcement officer that would not have occurred if it was covered by a law enforcement officer?

Mr. HARDWICK. Yes, as recently as 2 months ago, we had a person wander in off the street, make it to the elevators, and almost get upstairs because the security guards were there in the lobby and there were not officers there.

Ms. WASSERMAN SCHULTZ. And this is a person that did not——

Mr. HARDWICK. Nonemployee, yes.

Ms. WASSERMAN SCHULTZ. Okay. What was their intention? They just wandered in off the street?

Mr. HARDWICK. Wandered in off the street wanted to go into the building. The only thing that saved them was that the elevator took time to close to get upstairs, and an officer happened to be walking by the employee staff elevator.

Ms. WASSERMAN SCHULTZ. Was that person determined to have had any negative intentions or——

Mr. HARDWICK. That was undetermined.

Ms. WASSERMAN SCHULTZ. Maybe just escorted out of the building and let go?

Mr. HARDWICK. Yes.

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

NUMBER OF GPO POLICE VERSUS CONTRACT GUARDS

Mr. ADERHOLT. You said there are 45 officers currently——

Mr. HARDWICK. Yes.

Mr. ADERHOLT [continuing]. At GPO?

Mr. HARDWICK. And 53 security guards.

Mr. ADERHOLT. 53 security guards. Okay. That is all I have.

Ms. WASSERMAN SCHULTZ. Okay. Ms. McCollum.

GPO POLICE STANDARDS

Ms. MCCOLLUM. Out of the 53 security guards, are any of them former retired officers?

Mr. HARDWICK. No.

Ms. MCCOLLUM. Go over your PT requirement again.

Mr. HARDWICK. Under the PT requirement, an officer is required to run a 330-yard sprint, mile and a half run, perform situps and

pushups according to their age group. This standard is also above what the Academy suggests.

Ms. MCCOLLUM. To be a licensed police officer, what kind of educational requirements do you currently need to sit? For example——

Mr. HARDWICK. GPO police officer?

Ms. MCCOLLUM. Yeah.

Mr. HARDWICK. When I came before, you were required to have 2 years of law enforcement experience with arrest authority. Now it is just 1 year and high school and some security background.

Ms. MCCOLLUM. Really. So actually it has been lowered?

Mr. HARDWICK. It has been lowered, yes.

Ms. MCCOLLUM. And you mentioned activities outside of the building. If this gentleman that was in the building had left the building, a security guard if they were to follow them out, could not arrest.

Mr. HARDWICK. They do not have any authority in a public space.

Ms. MCCOLLUM. In a public space at all? You say you have two officers at Mississippi?

Mr. HARDWICK. No, we have 30 officers in Mississippi.

Ms. MCCOLLUM. Where do you only have two officers?

Mr. HARDWICK. We have 45 here. Our response force is comprised of two officers.

Ms. MCCOLLUM. How do you deploy your response force?

Mr. HARDWICK. They are assigned that duty, and they are assigned to rove the facility. And if there is a call for an emergency they respond. Additional officers will respond, but the response force is only comprised of two officers.

AGREEMENTS WITH OTHER LAW ENFORCEMENT ORGANIZATIONS

Ms. MCCOLLUM. Okay. And at any given time what is your relationship with Homeland Security if there is an incident? Are you in some kind of a pecking order to come in and back fill? Like if you were to close down the Government Accounting Office, secure it off, are you part of Homeland Security, for example, here——

Mr. HARDWICK. No.

Ms. MCCOLLUM [continuing] At all? Are you any kind of a backfill or any kind of support integrated?

Mr. HARDWICK. No, we do not. We have a working relationship with the Capitol Police if we need additional support. This is who we would call Capitol, if they could compare spare people or something like——

Ms. MCCOLLUM. But you are not additional support for anybody else?

Mr. HARDWICK. No.

Ms. MCCOLLUM. Why do you think that is?

Mr. HARDWICK. One, it is management's idea of what it is they want us to do or what it is they do not want us to do. They have police or security guards when it is convenient, but when it is inconvenient, they want to see us scarce.

Ms. MCCOLLUM. Madam Chair, I just think in this day and age with cross training, I mean, all of our municipalities are doing mutual aids and things like that, I can see that there would be some role, you know, either at a desk reception or something like that,

and I do not know how that works with other employees. But Oklahoma City is an example of, you know, people do target Federal buildings for whatever reasons. So thank you for answering my questions.

Ms. WASSERMAN SCHULTZ. Thank you. As always, you have given us some very informed and helpful testimony, Mr. Hardwick. And we are going to follow up to make sure we can communicate with GPO about your concerns and if we need to include some changes in our legislation.

Mr. HARDWICK. We have raised these concerns with management before and it is just——

Ms. WASSERMAN SCHULTZ. That is why you are here. That is why we do the hearing. Thank you very much for your testimony and your service. And please convey to the GPO police officers how much we appreciate their public service. Because I know it is often underappreciated.

Mr. HARDWICK. Thank you very much.

Ms. WASSERMAN SCHULTZ. The subcommittee is going to need to recess for 30 minutes because we have an Appropriations full committee meeting that the Democratic members need to attend. So the committee stands in recess for 30 minutes. [recess.]

NATIONAL FEDERATION OF THE BLIND

Ms. WASSERMAN SCHULTZ. We will reconvene this hearing of the Legislative Branch Subcommittee. Now we will hear from John Paré, who is the executive director for Strategic Initiatives for National Federation of the Blind. Mr. Paré, you can proceed with a 5-minute summary of your statement. Your full statement will be entered into the record.

TUESDAY, MAY 5, 2009.

TALKING BOOK PROGRAM OF THE NATIONAL LIBRARY SERVICE FOR THE BLIND AND PHYSICALLY HANDICAPPED OF THE LIBRARY OF CONGRESS

WITNESS

JOHN PARÉ, EXECUTIVE DIRECTOR FOR STRATEGIC INITIATIVES, NATIONAL FEDERATION OF THE BLIND

TESTIMONY OF MR. PARÉ, NFB

Mr. PARÉ. Fantastic. Thank you, Madam Chair and other distinguished members of the committee. My name is John Paré, and I am executive director for strategic initiatives at the National Federation of the Blind. I appreciate the opportunity to appear before this committee and to comment on the Talking Book program of the National Library Service for the Blind and Physically Handicapped of the Library of Congress. The National Library Service 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 75-year history of exemplary service, the NLS is undergoing a transition in technology it uses to provide Talking Books. 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. At this time, 5,000 of the new digital Talking Book machines have been distributed to eight regional Talking Book libraries throughout the country for preliminary usage and testing by their most active patrons. These libraries are located in Florida, Texas, Missouri, New York, Los Angeles, Iowa, Massachusetts, and Utah.

In addition to these players shipped to patrons for testing, two players have been shipped to each Talking Book Library within the United States for testing by their staff so they can familiarize themselves with the operations and features of the machines. Assuming all goes well with the pilot study, players will begin shipping to the remaining libraries in the NLS network by this August. The National Federation of the Blind is pleased to be in a position to support a project so carefully and thoroughly conceived and executed that the inspector general for the Library of Congress stated, "Information we collected led us to conclude that NLS's plans should enable it to successfully convert the Talking Book program's primary technology from analog to digital format over the currently planned transition period. Specifically, our survey revealed that NLS is effectively managing its plans."

Further, the Library of Congress satisfactorily responded in several documents to a GAO briefing paper, resulting in no additional queries or requests. Madam Chair, I am happy to report that the NLS digital Talking Book program is on track. On behalf of America's blind, thank you and this committee for all the work you have done to make sure that this program 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 program to fruition. All that is needed for the transition to be completed on schedule in 2013 is for the 2009 appropriation of $12.5 million to be included in each of the remaining 4 fiscal years of the transition.

On behalf of the blind Americans served by this important program, I urge this committee to make sure that this happens so that there will be no disruptions in service for NLS patrons. Thank you, Madam Chair, for allowing me to come and address this committee, and for your continued support of the NLS service and the Talking Book program.

[Mr. Paré'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.
May 5, 2009

Madam Chair, my name is John G. Paré Jr. I am the Executive Director for Strategic Initiatives at the National Federation of the Blind. My address is 1800 Johnson Street, Baltimore, Maryland 21230; my telephone is (410) 659-9314, extension 2227.

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 Talking Book program of the National Library Service for the Blind and Physically Handicapped of the Library of Congress (NLS).

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 (NLS) 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-five-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. An extremely successful pilot project allowing patrons to download selected Talking Books has already been in progress for over a year. Now, new digital Talking Book machines and book cartridges are being manufactured, and the first NLS patrons will begin to receive digital books and machines in the coming months.

At this time, five thousand of the new Talking Book machines have been distributed to eight regional Talking Book libraries throughout the country for preliminary usage and testing by their most active patrons. The eight libraries involved in this pilot study are located in Florida, Texas, Missouri, New York, Los Angeles, Iowa, Massachusetts, and Utah. In addition to the players shipped to these libraries for testing by patrons, two players will be shipped to each Talking Book library around the country so that the staff of these libraries can familiarize themselves with the operation and features of the players, and training will be provided so that librarians can provide technical support to patrons. Assuming all goes well with the pilot study, players will begin shipping to the remaining libraries in the NLS network by August. The download pilot has been

extremely popular and successful. As of May 1, the Web site is available to all patrons, and restrictions on the number of books each patron is allowed to download have been removed. By the end of this year, many patrons will have access to the full scope of NLS services both online and through their cooperating network library.

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 2009 appropriation of $12.5 million to be included in each of the remaining four 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.

FEEDBACK ON DIGITAL TALKING BOOK PLAYERS

Ms. WASSERMAN SCHULTZ. You are welcome. And thank you for your testimony, Mr. Paré. I think it is important to note the lack of blind advocates in the room today, which is unlike other years, when there was significant concern about the ability to get this Talking Book program implemented and appropriated. And I am glad that we are on track to do that. I do want to ask you about the design and capabilities of the Talking Book player. Are you satisfied with it? Are the blind patrons that you work with satisfied with it? And what has been the feedback so far?

Mr. PARÉ. It has been excellent. And we deal with thousands of blind people. And I personally talk to hundreds of people. And people are very pleased with how it is going, very pleased with the design, how it is working, and the schedule of things. So it is going to be a terrific success.

COMMERCIAL ALTERNATIVES

Ms. WASSERMAN SCHULTZ. Good. One question that does come up each year is why we had to develop a unique Talking Book player as opposed to using ones that are commercially available.

Mr. PARÉ. The copyright law requires that the machines be only available to people who are blind. So to help protect the intellectual property that is being distributed by the Library, it is important that the machines are not only delivering it in a specialized format, and also that it meets the needs of people who have limited access, dexterity of their fingers and so forth. So the cartridge is large and it is easy to work if you have low dexterity or if you—it has enough room for a Braille label for people who are blind and also has large print. So the buttons and all the things are all designed to meet the needs of this diverse group of people that it is targeted to be used by.

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

NUMBER OF TALKING BOOK MACHINES

Mr. ADERHOLT. How many Talking Book readers are there across the United States right now, the machines that have been implemented?

Mr. PARÉ. The new machines?

Mr. ADERHOLT. Yes.

Mr. PARÉ. Just 5,000 have been shipped.

Mr. ADERHOLT. 5,000.

Mr. PARÉ. Yes, this is in the pilot study. Plus there is 102 local regional libraries. So two in each one of those plus the 5,000. And then once the pilot study is done, they will start shipping around 24,000 per month starting in August.

Mr. ADERHOLT. Okay. That is all I have.

Ms. WASSERMAN SCHULTZ. Thank you very much. Thank you, Mr. Paré.

Mr. PARÉ. Thank you.

LIBRARY OF CONGRESS PROFESSIONAL GUILD

Ms. WASSERMAN SCHULTZ. Good to see you. Next we have Saul Schniderman, the President of the Library of Congress Professional

Guild. Welcome back to the committee, Mr. Schniderman. Your statement will be entered in the record, and you can proceed with a 5-minute summary.

TUESDAY, MAY 5, 2009.

SUPPORT FOR LIBRARY OF CONGRESS' BUDGET REQUEST FOR FISCAL YEAR 2010

WITNESS

SAUL SCHNIDERMAN, PRESIDENT, LIBRARY OF CONGRESS PROFESSIONAL GUILD

TESTIMONY OF MR. SCHNIDERMAN, LOC GUILD

Mr. SCHNIDERMAN. Thank you, Madam Chair, and thank you, Mr. Aderholt. I want to begin by saying that I am the President of one of four unions here at the Library of Congress. We have wall to wall collective bargaining representatives at the Library. And one reason that we do is because of the separation of powers. The legislative branch, which always has wanted to be independent and distinct from the executive branch, has meant for employees of the branch that we have not always had available to us some of the advances and improvements in conditions of employment that our colleagues have in the executive branch.

So 30 years ago, employees at the Library founded unions there. I am proud to be part of the labor movement, if you will, at the Library of Congress. I am also proud to be here today, because when I come here not only am I enlightened to hear what my colleagues have to say and questions that you all ask and your comments, but also I feel like I am part of the community. So I feel good being here, despite the fact that I am a little nervous.

Ms. WASSERMAN SCHULTZ. We do not bite. You do not need to be nervous.

Mr. SCHNIDERMAN. My name is Saul Schniderman. I am president of the Library of Congress Professional Guild, which is affiliated with AFSCME, and I am here to testify in support of Dr. Billington's budget request for fiscal year 2010. Because of your generous support and the support of your colleagues, the Library continues to be a leader in providing information services to the Congress, the American people, and to the world. Representing over 1,500 professionals at the Library, excluding those employees of the Congressional Research Service, I come before you today on their behalf to say thank you for your support of their work to make the Library of Congress a truly great Library. Last December, about 2,000 staff members participated in the Library of Congress employee survey, and the results have just been released. We are pleased to report to the subcommittee that these employees report high levels of job satisfaction, especially in the area of work performance. For example, over 80 percent of those surveyed said that, quote, the people I work with cooperate to get the job done. Over 70 percent reported that they were "held accountable for achieving results." And about 80 percent of the employees rated the overall quality of work performed by their work group as positive.

Now, we were not surprised by the results of this survey, because we know the dedication and the commitment of Library of Congress employees. As a union of professionals, our mission at the Library is to establish a progressive, family-friendly workplace so that the staff can maintain a high quality of public service and performance. The attitudes expressed in the survey reveal the high level of professionalism which runs throughout the Library of Congress. I would like to point out to you, Madam Chair and Mr. Aderholt, that last week you and members of your subcommittee justifiably praised Dr. Billington when he testified here before you. And that is all well and good. But as management takes pride in the far-reaching programs at the Library, it needs to be pointed out that the success of these programs can only be achieved by hard-working employees, many of whom toil under trying circumstances.

Today the most trying of these circumstances is taking place in the Copyright Office. While everyone agrees with the general vision of utilizing modern technology to improve processing, the current reengineering program has created a backlog of over 520,000 pending copyright claims, a backlog which continues to grow week after week. Now, I will not burden the subcommittee with a description of the stresses and strains with which the staff of the Copyright Office is now experiencing. In spite of them, these everyday heroes among the registration specialists manage to force out from a poorly functioning electronic system over 7,000 registrations in a typical week.

And in the public information office, specialists there patiently field over 2,500 telephone inquiries a week from anxious remitters. Graded at the GS–11 and GS–12 levels, these front line Copyright Office staffers deserve to be praised for their perseverance and their ingenuity. There are many other everyday heroes who work at the Library of Congress, and some of their concerns are described in our testimony, which you have before you. I invite you to review our written testimony, and also to visit our Web site. And I thank you for this opportunity to share the concerns of the members of the Library's Professional Guild.

[Mr. Schniderman's prepared statement follows:]

Statement of Saul Schniderman
President
of the
Library of Congress Professional Guild
AFSCME Local 2910
Before the Committee on Appropriations
Subcommittee on Legislative Branch Appropriations
U.S. House of Representatives
May 5, 2009

Madam Chairwoman, Mr. Ranking Member and Members of the Subcommittee, thank you for providing us with this opportunity to testify and present you with our concerns. The Library of Congress Professional Guild, AFSCME 2910 represents 1500 professional employees at the Library of Congress.

The Guild thanks the Subcommittee for the support it gave the Library of Congress in the last budget cycle. For Fiscal Year 2010, the Library is requesting a total budget of $699,371,000, an increase of $52,610,000, or 8.1% above our fiscal 2009 funding level. We support this budget since most of the requested funding serves absolutely vital Library programs. In particular, the Guild supports the request for additional funding to modernize the information technology systems supporting in some way virtually all programs at the Library.

Except that another century has passed, Oscar Wilde's quip still stands: "The youth of America is their oldest tradition. It has been going on now for three hundred years." This country has maintained its youthful vigor over the centuries by embracing change through communications and technology, by the exchange of information, and by applying a rule of law which protects all of our citizens.

Fifty years ago, one could view the Library of Congress as an institution which stored dusty books and produced a card file to identify its holdings, and maintained a "public record" of copyright information which was only accessible to those willing to travel to Washington. Today, it is an entirely different institution because its intellectual and cultural resources are ever more available to world-wide communities of diverse interests and backgrounds. It must lead in a dynamic and expanding universe of information. It also provides specialized library services to its most important client – the Congress. The Library of Congress has missions which are central to the success and vitality of our nation and we hope this budget request meets with your approval.

Employee Survey

Recently, about 2,000 staff members participated in the Library of Congress Employee Survey, and the results have just been released. We are pleased to report to the Subcommittee that these employees report high levels of job satisfaction, especially in the area of work performance. Positive responses were recorded for "the people I work with cooperate to get the job done" (81.7%), "my work gives me a feeling of personal accomplishment" (72.1%); "I am held accountable for achieving results"(73.3%) and "my performance appraisal is a fair reflection of my performance (63.5%). And 79.8% of respondents rated the overall quality of work performed by their work group as "positive." The Subcommittee can rest assured that as long as the Library of Congress maintains a good work environment where the staff can continue to develop their skills, that we will consistently provide high levels of quality service and performance to the Congress and the American people.

Transit Fare Subsidy

Please support the Library's request for an increase in the level of transit fare subsidy. This is the very best way to encourage staff to use mass transit and to lower pollution levels and alleviate traffic and parking problems on Capitol Hill. Last year Forbes magazine rated Metro Washington, DC as the 8th worst traffic city for commuters in the nation, worse than Los Angeles and San Francisco. As for air quality, the American Lung Association ranked the region of Baltimore/Washington/Northern Virginia as the 9th worst urban area polluted by ozone.

Merit Section

In 1975 Howard Cook, a library technician working in the Congressional Research Service, walked into the Equal Employment Opportunity (EEO) Office and filed a complaint which eventually resulted in changes to the procedures by which the Library rates and ranks job applicants. The goal of Mr. Cook and his colleagues (Cook Class Action Case) was to purge bias from the job selection process and to persuade the Library to promote more African Americans from within. The Office of the General Counsel and Human Resources Services, which last year processed over 18,000 job applications, are to be commended for maintaining safeguards designed to ensure equity and fairness in the merit selection process. The Library's Merit Selection Plan could well serve as a model for other federal agencies, though barriers persist at the Library for some staff who have proven themselves to be qualified.

The Office of Opportunity, Inclusiveness and Compliance (OIC)

Its name is unfamiliar to staff and difficult to remember, but this new office replaced the former Office of Workforce Diversity which was downsized and reorganized last year. The responsibilities of OIC are critical: equal employment opportunity complaints processing, alternative dispute resolution, affirmative action programs, and an interpreting services program for deaf and hard of hearing employees and members of the public.

Unfortunately, the advent of OIC has been marked by administrative turmoil. First and foremost it appears to us that the Equal Employment Opportunity Complaints Office has been virtually shut down. Title VII of the Civil Rights Act requires the Library to have an EEO program and we, as a labor organization, have been assured that discrimination complaints will continue to be processed. But, in general, there is no guidance to the workforce on changes to the process and, quite frankly, the office appears to be in an official state of neglect.

When we testified before you last year we identified to members of the Subcommittee an inherent conflict of interest in processing discrimination complaints at the Library of Congress. The Librarian of Congress is the employer and respondent in charges of discrimination and is also the official charged with making final decisions on EEO complaints against his agency. In other words the Librarian of Congress is responsible for enforcing EEO laws against himself, and, therefore, rarely rules for the complainant. Is it any wonder, then, that to obtain redress employees must go to court and incur all the expenses of litigation? Surely there is a better way.

The Dispute Resolution Center, like the former EEO Office, seems to have vanished and its doors are also locked. No office space is currently dedicated for EEO complaints and there is no "Center" for employees who wish to resolve disputes informally through mediation. The former staff of twenty in the Office of Workforce Diversity has been whittled to six clerical and administrative employees and contractors are now carrying out dispute mediation, EEO complaints processing, and

interpreting services for deaf employees and members of the public.

The Guild is committed to the process of alternative dispute resolution because this process is less contentious and the outcome is more comprehensive. Many of the professionals we represent prefer to resolve disputes at the lowest possible level utilizing the skills of a mediator who is a competent neutral. We have worked with OIC on a process to move forward with contractors but disruptions to the program have been harmful to some employees.

For the third year, the Guild comes before you to highlight deficiencies in the Interpreting Services Program. We support the deaf and hard of hearing staff in their advocacy for a staff interpreter and we provided many details in our testimony last year outlining why we take this position. In decline since 2004, interpreting service has deteriorated further this year after the OIC reorganization prompting grievances and charges of discrimination. OIC made a unilateral decision to reduce and contract out interpreting service despite objections from deaf and hard of hearing staff. None of the OIC staff responsible for coordinating and scheduling interpreting service has a background in deaf culture or the ability to communicate with deaf employees. This great institution needs an interpreting service worthy of its mission. Sadly, the Library is not meeting its obligation to deaf and hard of hearing employees and the pubic and we must ask: how much longer can they wait? For more background on deaf and hard of hearing employees at the Library of Congress, please see our 2008 testimony which is posted on our website at www.guild2910.org.

And so a rebuilding job lies ahead and congressional oversight may be needed to assure an effective implementation of OIC programs. We urge the Librarian to appoint a permanent director and we wish to meet with that individual on Day One.

Labor Relations

Last year we expressed to you our concern that the Office of Workforce Management was promoting a labor relations agenda that did not serve the best interests of the Library of Congress. We believe a course correction is in order. Costly and partisan actions taken by this office are similar to union-avoidance tactics that cause so much conflict in the private sector. When these actions have gone forward to outside arbitrators, the Federal Labor Relations Authority and the Federal Services Impasses Panel, the Guild has prevailed and we are stronger than ever before. But these actions by the Library are a poor use of tax dollars and we call on the Library to promote a less confrontational and more cooperative Labor Relations program.

Support for Staff Specialization

Another significant event during the past year occurred in October 2008, with the reorganization of the Acquisitions and Bibliographic Access (ABA) Directorate, the unit of the Library responsible for acquiring, organizing, and making accessible the Library's extensive collections. The ABA reorganization merged two traditional Library functions, acquisitions, the actual acquiring of digital and physical materials for the Library's collections, and cataloging, the creation of bibliographic records which describe those items and provide the basis for retrieving those materials and managing the physical inventory of the Library's collections.

The ABA reorganization has had a significant impact on hundreds of the Library's employees because it moves them into a new "blended" and greatly expanded position description, which is so general in nature that many staff members may never perform the full range of duties described there. Although we respect the Library's desire to promote efficiency, there is a real concern that

this broad merging and mixing of duties will inevitably result in a dilution of the highly specialized skills of the Library's professional staff.

Traditionally, senior staff in the Acquisitions and Bibliographic Access Directorate, who often bring unique language skills and advanced educational degrees to their positions, have had the opportunity to truly function as experts in one area of librarianship by focusing on a discrete set of activities based around a language or subject specialty. The Acquisitions and Bibliographic Access Directorate's greatest resource is its highly trained workforce, many of whom have devoted their careers to developing the skills necessary to support the Library's mission of making America's creativity and the world's knowledge accessible. The records and information provided by the Library are considered authoritative and are adopted and used by libraries throughout the world.

We call upon the Library to preserve and foster the skills of its professional employees by resisting the temptation to reduce its professional staff to "generalists" without the specialized skills and expertise needed to continue to provide the unique services to the libraries of the world that have made the Library of Congress a preeminent American cultural institution.

Crisis in the Copyright Office – Part II

The Copyright Office is requesting a total budget of $55,476,000 of which $34,476,000 will be offset by fees generated from delivering services, and $20,864,000 will be appropriated dollars. The Guild supports this request, but repeats the caveat we made in our testimony last year that enactment of the Copyright Office's full request will not enable the Office to complete all its work in a timely manner.

This reality is due to continuing inefficiencies resulting from the implementation of a new electronic processing system in 2007. The new system provides a method for the public to file an electronic copyright registration claim, known as an e-service claim. However the Copyright Office continues to receive many registration claims in paper format, which are referred to as "ingested claims," because these must be converted to electronic format by the staff of the Copyright Office before they can be processed in the new system. The necessity to key-in and manipulate this information to make it usable in the electronic system is a burdensome inefficiency which has bogged down the entire Copyright Office.

In fiscal year 2008, the Copyright Office received 559,653 claims, and the Office registered 232,907 claims, which constituted 41.6% of receipts. Virtually all of the claims not registered were placed in a backlog. When the Guild testified last May, the backlog in the electronic system was about 300,000 copyright claims. Today, the backlog is over 520,000 and grows by a few thousand new claims every week. Management believes the backlog will stop growing in a few months. The Guild believes the backlog will continue to grow. At current rates of productivity, it would take existing staff almost two years to eradicate the backlog without doing any other work.

This year the Copyright Office will likely register slightly more than 300,000 copyright claims. The increase over last year is due solely to the increase of e-service claims coming into the Office. In July of last year the Office finally made e-service available to the general public, and e-service claims rose to slightly over 50%. Since processing e-service copyright claims is far more efficient than processing ingested claims, productivity has roughly doubled from last May. Yet even with a doubling of productivity over this time last year, the Office is still far short of completing weekly receipts. Backlogs in e-service claims awaiting processing now exceed 40,000. Processing time for

ingested claims now stands at 17 months, and processing time for e-service is around 6 months. The wait time is increasing in both categories. This is a stark contrast to the 4 month average processing time before the reengineering effort which implemented the new electronic system. All agree to the necessity of an efficient electronic system. This efficient electronic system is not yet a reality. Despite the fact that numerous mistakes were made in implementing the new electronic system, the office is continuing to follow much the same course plotted out eight years ago. Therefore, the most pressing concern now is how to move decisively toward a stable and efficient system that will serve the office for the long term.

To assist in evaluating the alternatives available to the Copyright Office, the Guild recommends the hiring of a contractor to do usability testing and design review of the electronic system currently being used by the Copyright Office. The hiring of the contractor should be done outside of the Library of Congress, since a contractor anticipating further contracts from the Library would likely not produce an objective report. Analysis of the electronic system by outside experts unbeholden to Copyright Office management is the best means to evaluating alternative paths for moving the agency effectively forward.

It should be noted, that despite the exponential growth in the backlog, there are numerous heroes among the staff who, in a stress-filled environment full of obstacles, register thousands of copyright claims a week, and answer tens of thousands of telephone inquiries in the same time period. These employees, graded at GS-11 and GS-12, have become the true experts at performing work in the Copyright Office. Top graded personnel of the agency, by and large, cannot use the electronic system due to its complexity. Clearly one means to address the growing backlog is to increase staff where there is success, such as the position of registration specialist. Despite the creativity of the staff in overcoming the daily challenges to the new processing system, Copyright Office positions remains undergraded compared to comparable jobs in the Library.

Food Service

In June the Library plans to award a new contract to operate its food service facilities. We ask the Subcommittee to join with us in urging the Librarian to award this contract to a vendor whose employment practices are fair and equitable. Employees have a great deal of affection for the food service workers at the Library who have provided us with efficient service for so many years and brightened our days. They deserve respect and their union contract should be upheld.

Life Safety

We urge Congress to approve funding requests by the Architect of the Capitol to remedy fire safety and life safety deficiencies in Library buildings. We need fire door and exterior door improvements, sprinkler systems, elevator modernization, and egress improvements as described in the Architect's request to meet code requirements and to properly protect the great treasures in our care along with the safety of employees and visitors to our public buildings.

In Closing

In closing, we thank again this Subcommittee for all the previous budgets requests of the Library of Congress you have approved. We hope the budget request for fiscal year 2010 meets with similar approval. We also urge that Committees, Subcommittees, and interested Members of Congress who have ideas for bettering the Library of Congress to voice those concerns. While there are many fine programs at the Library, there are significant areas where improvement is in order.

COPYRIGHT OFFICE BACKLOG

Ms. WASSERMAN SCHULTZ. Thank you, Mr. Schniderman. I am also concerned and addressed the concern with the Librarian and his staff when they testified on their budget proposal about the backlog in the Copyright Office. And they did seem to indicate that they felt that by the end of the year, once all the employees were up to speed on the electronic transmission and processing process, that they would get rid of that backlog. You do not have the same confidence?

Mr. SCHNIDERMAN. No. We do not share in their optimism. And the reason we do not is that the front line employees who work with this new system do not share their optimism. It was originally designed to be a useful tool for the registration specialist to get the work done more efficiently, but it has turned out, quite frankly, to become a nightmare, where actually it is more burdensome for them to get their work out.

Ms. WASSERMAN SCHULTZ. I would think that an electronic processing and submission system would be more efficient in the long run than doing it by paper.

Mr. SCHNIDERMAN. Yes. And that is all well and good. And we support that. We support the reengineering and modernization of the Copyright Office. The problem is, Madam Chair, is that the backlog has grown to such proportions, over half a million, that even if we keep up to date with the registrations that come in we are not going to be able to tackle it sufficiently. It will always be there with us.

Ms. WASSERMAN SCHULTZ. What is your proposed solution?

Mr. SCHNIDERMAN. What we proposed in our written testimony was that the Library hire a contractor to evaluate independently a solution to this problem. But after being here today and listening to my colleagues at GAO, I wonder if a GAO study might be more appropriate. Our job, we see our job to identify and report problems to our managers and, quite frankly, to you so that you can help work with us to solve them. But we do have a major problem here in the Copyright Office.

TURMOIL AT OFFICE OF OPPORTUNITY

Ms. WASSERMAN SCHULTZ. I appreciate you underscoring your difference of opinion with the Librarian on the likelihood of getting that backlog addressed. And it is one that needs to be addressed. We cannot continue to have that type of backlog just simply in the name of efficiency. The other subject I wanted to ask you about, which is something of an ongoing concern of mine across the agencies in the Legislative Branch in general, but specifically at the Library, is the Office of Opportunity, Inclusiveness, and Compliance. Clearly, if that Office is not up and running and functional, then employees that have a concern do not have a process in which they can pursue those concerns. How is the turmoil in the Office impacting your members? And how has it affected the ability to file complaints and redress grievances?

Mr. SCHNIDERMAN. I appreciate your concern. That is the Office that we call OIC because we cannot figure out a way to name it. Well, there needs to be a director of that Office. And as you may

know, the staff, most of the functions there have been contracted out. And so there is a wait time. We use it primarily for dispute resolution. There is a lag time in order to get a mediator because there are some administrative problems in the office that we hope will be resolved when a new director comes. Because as you know, justice delayed is justice denied. And we like to get most of our disputes mediated to conclusion. But the main beef that we have is on behalf of the deaf employees that we represent. There are about 18 deaf employees at the Library of Congress, and they utilize an interpreting service that is managed, or in this case, being poorly managed by OIC, for lack of a better term. And last year we testified on their behalf quite extensively.

We feel that in order for them to be able to do their work and to sustain a career at the Library in the same way that a hearing person is, that they need to hire a full-time staff interpreter. That also comes under the administration of that office. So it is the slow time, the administrative problems, they need to get a director in there, but more importantly, they really need to hire a full-time staff interpreter. And by the way, we think that that is cheaper than contract interpreters.

LIBRARY WORK ENVIRONMENT

Ms. WASSERMAN SCHULTZ. Thank you. Let me just ask you one more question. How would you characterize the environment in which employees at the Library work when it comes to equal opportunity and an environment free from discrimination?

Mr. SCHNIDERMAN. Well, in our written testimony, we talk a little bit about the merit selection system. The Library has made advances thanks to the Cook class action case, and quite frankly, a commitment on the part of the Library to purge bias and subjectivity from that process. You can imagine how many people apply for jobs at the Library. And so we are pleased with that system. In regards to the ability to file an EEO complaint and to be able to have that mediated in a way where you can have some privacy in an office, that goes back to the Office of Inclusiveness and Compliance. I think I have got it right.

Ms. WASSERMAN SCHULTZ. Yes.

Mr. SCHNIDERMAN. And they are going to have to kind of rebuild, if you will, that administrative structure to allow that to happen.

Ms. WASSERMAN SCHULTZ. Thank you. It has been a year, so it is certainly time for them to get that straightened out. Mr. Aderholt?

LIBRARY FOOD SERVICE CONTRACT

Mr. ADERHOLT. I noticed in your testimony you talked about the Library plans to award a contract for the food services, I guess, what, in June? And of course, you mention in your written testimony that you want to make sure that the vendor who is chosen has employment practices that are fair and equitable. Is that in reference to problems there have been in the past, or is there a problem in the current system or what?

Mr. SCHNIDERMAN. The Library let what they call a bridge contract to a small firm called I.L. Creations, whose term of contract is up, and in fact, very shortly, the Library will be announcing a

new food service vendor. The problems with I.L. Creations have been, frankly, their ability to fairly deal with their employees and the union which represents their employees. These are private sector workers. They are represented by the Hotel and Restaurant Employees. But Mr. Aderholt, many of them worked there for the last 25 or 30 years, because with each successive contractor they stay on board. So they have had what we would say is labor problems. And it is mostly because of the employer's intransigence. So we feel that when the Library, and shortly it will happen, decides on who the new contractor should be, it should be an employer that treats its workers fairly and treats their union fairly.

Mr. ADERHOLT. All right. That is it.

AMERICAN BAR ASSOCIATION

Ms. WASSERMAN SCHULTZ. Thank you very much. Thank you, Mr. Schniderman. Okay. Next up will be Thomas Susman, who is actually our last person to testify today, the Director of Governmental Affairs at the American Bar Association in support of the Law Library.

TUESDAY, MAY 5, 2009.

SUPPORT OF THE FUNDING REQUESTS OF THE LIBRARY OF CONGRESS AND THE LAW LIBRARY OF CONGRESS

WITNESS

THOMAS SUSMAN, DIRECTOR, GOVERNMENTAL AFFAIRS OFFICE, AMERICAN BAR ASSOCIATION

Mr. SUSMAN. Thank you, Madam Chair.

Ms. WASSERMAN SCHULTZ. Your statement will be entered in the record, and you can proceed with a 5-minute summary.

TESTIMONY OF MR. SUSMAN, ABA

Mr. SUSMAN. I certainly will. I am here today, Thomas Susman, on behalf of the American Bar Association in support of the funding requests of the Library of Congress and more particularly, the Law Library of Congress. It should not come as any surprise that the largest professional association in the world, the American Bar Association, representing over 400,000 members worldwide, would have a very special and long-standing relationship with the world's largest repository of legal materials, the Law Library of Congress. My testimony today will emphasize 3 points. First, the unique and truly magnificent nature of the collection of the Law Library, but carrying with it commensurate needs to maintain and sustain the strength of those collections. Second, the ABA's strong, really unwavering support for adequate funding for this national preeminent Law Library. And third, the desirability of looking beyond just the Federal funding relationship to create a foundation for an effective public-private partnership that will encourage private contributions to advance the mission of the Law Library.

The Law Library of Congress has grown from modest beginnings in 1832 to become the world's largest repository of legal materials.

As I indicated, the magnitude of this collection in both size and significance cannot be understated. Two years ago I joined an ABA group to take a tour of the Library, and in addition to some historical masterpieces in the collection, to go down to the basement and look at the rows and rows of shelves and its scale is something right out of Indiana Jones. It is phenomenal. But that scope renders not just unique but daunting the challenges posed in the daily growth and administration of the collection. I mean, these are national treasures. And the funding required to keep them current and serving at full capacity is a wise investment of taxpayer dollars. Last year the ABA's representative told the subcommittee how much we appreciated and continued to appreciate the Congress's historical support for the Law Library, but we are also concerned that these grand and valuable collections have been subject to reduced budgets, insufficient to meet core needs.

The result has been an erosion of infrastructure, loss of institutional knowledge, incomplete collections. And each of these problems becomes costlier to address over time. The Law Library of Congress serves not only the Congress itself, of course, the most significant law-making institution in the world, but also other branches of government. In preparing for my testimony, I ran across a 1931 legislative establishment hearings where Justice Stone came across from the Supreme Court to talk about how important it was that the Law Library exists. He had just decided a case involving interpreting a Danish treaty that involved reference to a French historical treatise on French laws, and that the Supreme Court frequently has to go to the Law Library of Congress in its activities.

Actually, all branches of the Federal Government, state governments, universities and law schools, corporate law departments, and of course, the lawyers of America use and depend on the Law Library of Congress. American businesses engaged in international commerce have discovered the law library's massive, valuable initiatives such as the Global Legal Information Network, GLIN, that is comprised of statutes and other legal information from over 150 contributing countries. And as a growing number of lawyers and businesses and government officials understand, American enterprise abroad and foreign investment at home depend upon a knowledge of current applicable laws.

The Law Library of Congress is recognized now as the preeminent, maybe the ultimate and perhaps the only source for many of these international materials that the trade lawyer can depend upon and that anchor an understanding of the rule of law worldwide. Despite these rather impressive accounts, tight budgets mean that no one department, including the Law Library, is going to be receiving what it considers full funding. That is a fact of life right now. Next year, the bulk of the Library of Congress's requested increase is really to adjust for inflation. We understand this. The Law Library is going to get an additional 4 million to perform necessary updates to GLIN, to support the recent assumption of responsibility over Thomas, to cover consequences of inflation, and to compensate for decreased buying power in terms of its acquisitions. And these are badly needed funds.

Last year the ABA supported additional funding for cataloguing and classification of several hundred thousand volumes to bring the collection up to date and under the industry standard classification system. That challenge still exists, that need still exists, and yet we understand the problem of coming up with the resources these days for all of the current needs. And fortunately, the Librarian of Congress has been allocating for several years surplus funds to help chip away at that cataloguing backlog. We hope that will continue. And for this year, I think we are restraining ourselves in supporting the Library's increased request for 4 million for the Law Library as the best investment of taxpayer dollars.

As I indicated, the ABA does not believe that the challenges faced by the Law Library are necessarily for Congress alone to remedy. Last year, legislation was introduced that would propose creation of a private-public foundation for the Law Library of Congress called the Meehan Act by Congresswoman Lofgren. It would establish a foundation that could receive contributions from the private bar, industry, to support the Law Library, and create value-added enhanced services that could even be provided for a fee.

This legislation has not been reintroduced this year, but the ABA's support for it really reflects support for the underlying message, which is the need for enhanced resources and the need for flexibility of the Law Library to meet these many challenges that it faces. Our concern is simply that with the limitations on appropriations there is too little latitude to make additional allocations. So thank you for inviting the ABA to express its support, its concern, suggested solutions. We have worked with the Library of Congress closely for decades, and look forward to working with this subcommittee towards ensuring that these valuable and remarkable resources are maintained.

[Mr. Susman's prepared statement follows:]

AMERICAN BAR ASSOCIATION
GOVERNMENTAL AFFAIRS OFFICE • 740 FIFTEENTH STREET, NW • WASHINGTON, DC 20005-1022 • (202) 662-1760

Statement of

THOMAS M. SUSMAN

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 LIBRARY AND LAW LIBRARY OF CONGRESS

May 5, 2009

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

I am Thomas Susman, Director of the American Bar Association's Governmental Affairs Office. At the designation of ABA President H. Thomas Wells, Jr., I appear before you today on behalf of the American Bar Association in support of the funding requests of the Library of Congress and the Law Library of Congress. We also urge your support to address the outstanding needs facing the Law Library as represented in the Charles H.W. Meehan Law Library Improvement and Modernization Act, introduced in the 110th Congress.

Founded by Congress in 1800 as its research arm, the Library of Congress is the oldest federal cultural institution. Over its history, the Library has grown into an unparalleled public resource of staggering proportion, housing more than 138 million items in 90 collections, including books, periodicals, film, and audio recordings, in more than 470 languages. Similarly, authorized by Congress in 1832, the Law Library of Congress has grown from its modest beginnings to become the world's largest repository of legal materials, including more than 2.65 million legal volumes and periodicals. 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.

In 1932, 100 years after the founding of the Law Library, the ABA formed a permanent committee – our second oldest – to serve as the voice of the legal profession concerning the Law Library's ongoing development and effective operation. Given the interrelationship between the Library and Law Library of Congress, we support their missions and request full funding for both institutions. As we told this Subcommittee last year, we deeply appreciate the Congress' historical support for them, but are also concerned that these grand collections have been subject to reduced budgets insufficient to meet their core needs. Consequent erosion of infrastructure, loss of institutional knowledge from retiring staff, and incomplete collections only become costlier to address over time.

The Law Library of Congress, in particular, has been traditionally thought to serve the branches of state and federal government, the legal profession, universities and law schools, corporate law departments, and the general public. American corporations engaged in international commerce have also discovered the Law Library's massive collection and auspicious initiatives such as the Global Legal Information Network (GLIN), comprised of statutes and other legal information from contributing nations. As a growing number of lawyers – government and private – are turning to support American enterprise abroad and foreign investment here at home, the Law Library of Congress is recognized as the ultimate source for international trade law and an anchor for the rule of law worldwide.

Despite these impressive accounts, the Library of Congress still must engage in an unenviable priority-setting process with no one department, including the Law Library, receiving the funding it truly needs. For FY2010, the bulk of the Library of Congress request for a 4.6% increase over FY2009 is merely to compensate for increasing pay and price-level costs adjusting for inflation. The Law Library has requested a $4 million increase to perform a necessary update of GLIN, support the recent assumption of responsibility over THOMAS, cover the

consequences of inflation and rescissions on contracted services central to Law Library functions, and compensate for decreased buying power over acquisitions.

These sums are independent of a separate request supported by the ABA in our testimony for FY2009 as part of the Charles H.W. Meehan Library Improvement and Modernization Act. That bill focused on, among other things, the cataloguing and classification of several hundred thousand volumes in order to bring the collection up to date and under the industry-standard K classification system that the Law Library of Congress devised. A current and complete collection is a non-negotiable requirement for an operating law library, let alone for a library relied upon by the U.S. Congress. Yet there have been times in the past when the Law Library's periodicals and loose-leaf subscriptions – which provide the most current analysis and status of the laws – were as much as one year out of date. Standard law library practice entails delay of no more than one week, preferably three days. As a result, our world class institution at times may operate as only a second-class law library.

We still support this critical catalogue and reclassification need. However, in deference to the priorities of the Law Library, and because the Librarian of Congress has for several years committed surplus funds to chip away at the catalogue and reclassification project, we believe the Law Library's $4 million requested increase represents the better leverage of taxpayer dollars at this time.

Too often such targeted increases invite a zero-sum shell game, taking from one project what it gives to another. An increase for the Law Library is translated into a cut to the larger Library of Congress. Neither institution's request is frivolous. Both requests reflect responsible stewardship over resources entrusted to the institutions and are central to the mission of each. Unlike other requests for support, these are not calling for the enrichment of the Library and Law Library at the expense of other projects and programs under your review. We are advocating for the restoration of inadequate funding that has been taking from these institutions – particularly the Law Library – over time. There is no cutting from either institution without undermining their respective missions.

The ABA does not believe these issues are necessarily for Congress alone to remedy. Under the Meehan Act, Congresswoman Lofgren proposed the creation of a private-public foundation for the support of the Law Library of Congress. This foundation could receive contributions from the private bar and industry towards the support of the Law Library; it also could potentially provide enhanced services for a fee. We have discussed aspects of such an endeavor with the Librarian of Congress, Dr. James Billington, and his staff. The Meehan Act has not yet been introduced this Congress, but we would support it or similar proposals that enhance the resources and flexibility of the Law Library to meet the particular challenges it faces. Our concern is simply that, with the appropriations received by the Library of Congress, there is too little latitude to make additional allocations to meet the special needs of the Law Library.

I want to emphasize that the ABA has also explored the potential for non-financial contributions to meet some of the Law Library's needs. During a productive meeting with the Librarian of Congress and key members of his staff last year, we discussed our mutual interest in organizing volunteers from a number of sources including law firms and law libraries to donate substantial

time to aid with the catalogue and classification backlog at the Law Library. The Law Library staff, however, believes that the rigors of the reclassification project and the need for fluency in the language in which the texts are written would exceed volunteer abilities, let alone the exacting requirements of the Law Library. We will continue to explore other ways the ABA may be of assistance in these efforts.

Thank you for inviting the ABA to express its support, as well as concerns and some proposed solutions, relating to appropriations for the Library and the Law Library of Congress. The American Bar Association stands ready to work with this Subcommittee, as it has worked with the Law Library of Congress, towards ensuring that the needs of this unique and remarkable institution are met.

RETIREMENTS AT THE LAW LIBRARY

Ms. WASSERMAN SCHULTZ. Thank you very much, Mr. Susman. And we appreciate the ABA's interests in the future of the Law Library. I have two questions. One is in previous years the ABA has raised the issue of the retirement problem with GLIN-trained employees at the Library. And you did not mention that in your testimony. So I am wondering where we are with that concern.

Mr. SUSMAN. That is not on our radar screen this year, which may suggest that it is a problem that has been addressed. I will find out and get back to you.

Ms. WASSERMAN SCHULTZ. If you could. Because last year it was proposed as a dire situation that was going to obliterate access to the law libraries.

[The information follows:]

Defending Liberty
Pursuing Justice

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May 11, 2009

The Honorable Debbie Wasserman Schultz, Chairwoman
House Committee on Appropriations
Subcommittee on the Legislative Branch
U.S. House of Representatives
Washington, DC 20515

The Honorable Robert Aderholt, Ranking Member
House Committee on Appropriations
Subcommittee on the Legislative Branch
U.S. House of Representatives
Washington, DC 20515

Madam Chairwoman and Ranking Member Aderholt:

Thank you again for your consideration of the testimony of the American Bar Association on May 5, 2009, in support of the funding requests of the Library of Congress and Law Library of Congress. Beyond the specific opportunity, we greatly appreciate the openness that such hearings provide in the federal appropriations process.

At the conclusion of my testimony, you both asked excellent questions, one of which I said I would have to answer after the hearing. Specifically, you asked why the ABA had not included in our statement mention of the problem of staff turnover at the Global Legal Information Network (GLIN), when that had featured prominently in our statement last year.

On page three of our 2008 statement, delivered by the late William Orton, we discussed the issue of staffing and turnover at the Law Library of Congress, specifically in the context of the *reclassification and catalogue project*. As you are aware, our appearance last year focused on support of a special $3.5 Million appropriation that the Charles H.W. Meehan Act would have authorized for this project. That funding would have addressed the staff turnover issue.

As reflected in my testimony, these needs still exist and are every bit as vital to a significant percentage of the Law Library's collection. However, over the past year we have been in conversations with Library and Law Library staff, including the new Acting Law Librarian of Congress, on their identified priorities. Given that the Meehan Act has not been reintroduced, our historical support for the Law Librarian to determine priorities, and the likelihood that funding to address cataloging staff turnover would likely reduce funding available for other projects, we have reluctantly deferred to the four priorities identified in the Librarian of Congress' request as being more urgently needed at this time. We have not lost sight, however,

that the dangers presented by the loss of institutional memory over such a substantial portion of the Law Library collection is no less real.

Thank you, again for your time and consideration of our testimony. If you have any follow-up questions, please do not hesitate to contact me.

Sincerely,

Thomas M. Susman

Mr. SUSMAN. I know that the Library, the Law Library has, for the last couple of years, been undertaking a revamping of GLIN to make it more valuable and more user friendly. There are more and more nations signing up, and more language readiness provided. So a lot of progress has been made. I do not know about the retirement issue.

FUNDRAISING FOR LAW LIBRARY

Ms. WASSERMAN SCHULTZ. Thank you. And Ms. Lofgren's legislation would also separate out, which you did not mention, the Law Library's budget from the Library of Congress. I do not know if you have thought about it, but the two goals, a separate private fundraising entity and a separate budget might not be compatible. Because if you separate out the Law Library's budget, it would be difficult to transfer funds into that budget as opposed to it remaining as a part of the LOC's main budget.

Mr. SUSMAN. These are issues that we have considered. I think the American Bar Association's goal is additional resources, facilitating private participation, and flexibility for the Library. Separating the budgets is one way to achieve it. And frankly, greater transparency in the Library of Congress's budget and what it allocates to the Law Library is another way. We understand that this last year for the first time the Librarian did separate out at least collections costs between the Library of Congress and the Law Library, but not personnel and other services. It is a step forward. And there is more than one way to achieve the kinds of institutional structural designs that would be welcoming to this kind of partnership that we are talking about.

Ms. WASSERMAN SCHULTZ. We did raise the issue of the Law Library and your concerns with the Librarian when he was here for his budget hearing. And I look forward to continuing to work with you to address the concerns of the ABA and its patrons, the Law Library's patrons.

Mr. SUSMAN. Thank you very much.

Ms. WASSERMAN SCHULTZ. Mr. Aderholt.

MEEHAN ACT PROVISIONS

Mr. ADERHOLT. Now the Meehan Act, that creates the public and private partnership?

Mr. SUSMAN. It would set up, among other things, one of its sections would set up a foundation that could be funded, where the funds would not go into the general Library trust, but would be specifically set up for the Law Library.

Mr. ADERHOLT. And dedicated to them?

Mr. SUSMAN. And dedicated for the Law Library. That legislation also provides for additional funding for cataloguing, authorize additional funding for cataloguing, and then its approach would be to separate out the budget of the Law Library. But as I have indicated, we support that, but we also support simply what this subcommittee has been helpful with, and that is greater transparency between the two budgets.

Mr. ADERHOLT. Okay. That is all.

Ms. WASSERMAN SCHULTZ. Thank you very much.

Mr. SUSMAN. It has been a pleasure.

CLOSING REMARKS

Ms. WASSERMAN SCHULTZ. We appreciate it. Mr. Susman, it has been good to see you. And we appreciate the input and testimony of all the employees that came before the Legislative Branch Subcommittee for the annual public witness and Member hearing today. We always appreciate hearing from you. The message I want to leave folks with is that the public witness hearing is not the only opportunity that you have to give us feedback and input. We encourage you to provide us with that feedback throughout the rest of the year. This is just your public opportunity to do that. So we appreciate the opportunity to work with the employees and the management of the Legislative Branch agencies. Thank you very much. With that, the subcommittee stands in recess until tomorrow morning at 10 a.m., when we will hear from the House of Representatives' Officers on their fiscal year 2010 budget requests. Thank you.

[Staff Note: The following written statement was submitted for the record by the American Library Association and the Association of Research Libraries.]

Lynne Bradley
Director - Office of Government Relations
American Library Association

Prue Adler
Associate Executive Director
Association of Research Libraries

April 24, 2009

The Honorable Debbie Wasserman Schultz
Chairwoman
Subcommittee on Legislative Branch,
Committee on Appropriations
U.S. House of Representatives
Washington, D.C.

The Honorable Robert B. Aderholt
Ranking Member
Subcommittee on Legislative Branch,
Committee on Appropriations
U.S. House of Representatives
Washington, D.C.

Dear Chairwoman Wasserman Schultz and Ranking Member Aderholt:

On behalf of the American Library Association (ALA) and the Association of Research Libraries (ARL), we write in support of the FY2010 appropriations request for the U.S. Government Printing Office (GPO) for $166,300,000. Collectively, our associations represent thousands of individuals and institutions serving communities throughout the nation, including the more than 1,200 federal depository libraries located in nearly every congressional district.

ALA is a nonprofit educational organization of 66,000 librarians, library trustees and other friends of libraries dedicated to improving library services and promoting the public interest in a free and open information society. ARL is an association of 123 research libraries in North America. ARL programs and services promote equitable access to and effective use of recorded knowledge in support of teaching and research.

GPO Salaries and Expenses
Federal Depository Library Program. We urge your full support of the FY2010 appropriation for GPO with a particular focus on the Salaries and Expenses (S&E) appropriation for the Superintendent of Documents. The majority of the S&E funding is devoted to the Federal Depository Library Program (FDLP). The FDLP is responsible for the dissemination of congressional and other government publications to participating academic, research, public, federal, state and other libraries nationwide as well as thousands of others via the Internet.

The FDLP is an extremely successful partnership between Congress and the public. In return for the government providing libraries with government publications and needed discovery tools, participating federal depository libraries (FDLs) provide technological tools, expertise and related information resources to

ensure that the public has access to needed government information at no cost to the user. The costs of providing depository library services by selective and regional libraries (those that acquire and preserve tangible federal information in perpetuity) range from $352,680 to $1 million per year. This represents a very significant investment, particularly in these challenging economic times. Fourteen regional FDLs are in state libraries, 33 regional FDLs are in academic libraries, and the remaining three are in public libraries, most of these libraries are state-funded institutions. With an anticipated state government budget shortfall of an estimated $350 billion over the next three years, libraries are experiencing significant cutbacks in funding.

As people around the country react to the economic downturn and face personal financial challenges, they are turning to libraries to receive a greater number of services. Members of the public across the country now depend on their library to assist with important daily tasks such as filing applications for employment, filing for unemployment benefits, and identifying needed government forms and information from government agencies.

71 percent of public libraries in the United States provide the only no-fee community access to the Internet and members of the public are taking advantage of this access to interact with the government. In many instances, providing these new services places a strain on library budgets that are already stretched, indeed, most are facing significant cutbacks. Like the GPO, in this changing environment, libraries are altering the traditional way they provided service to their patrons and are very engaged in provision of e-services.

Importantly, S&E activities include funds for the cataloging, indexing and distribution of federal publications to federal depository libraries and other recipients as designated by law. Recently, Congress allocated $1 million to the S&E appropriation to catalog and index government publications as cataloging publications is a costly but essential activity. Cataloging government publications, both print and electronic, is important as it permits users to find government information of interest.

To assist in this effort, 35 academic, research and state FDLs are collaborating to catalog 2.2 million pre-1976 cataloging records. This activity supplements the work of GPO in cataloging legacy collections. In addition to the cataloging projects, GPO also actively processes, catalogs and archives web-based material that GPO has harvested from other federal agencies. All of these projects require additional funding and we request the Subcommittee's continuing support of GPO in undertaking these important efforts.

GPO Technological Initiatives

The FDLP and GPO's technological resources are vital to the dissemination and acquisition of federal government information by the public. We commend GPO for investing in technologies and systems to support enhanced access to electronic

government information. This ensures that GPO is well positioned to provide needed information services in the evolving networked environment. The S&E account includes several important information technology projects that are designed to expand and improve public access to government information. Some are also designed to reduce internal GPO costs as well as improve efficiency of service to participating FDLs.

GPO recognizes the importance of providing government information to the public digitally and for many reasons. First, the vast majority of government information is now born "digital" and the standard dissemination format by Congress and federal agencies is electronic. Second, in discovering and using information, users prefer electronic access over print and microform formats. This is because students, researchers and members of the public can engage in sophisticated searching and manipulation of information and data including ready access to data, image files and the like. Increasingly, the data and information available is both current and historical as many libraries and others digitize special collections that are rich in the cultural and political history of our nation. Finally, users rely on Wi-Fi, handheld communication devices, smart phones, and the like to access information in the course of their daily lives. To meet these new demands, libraries and GPO are retooling content, tools and services to deliver needed resources, including government information.

To ensure that the public has effective access to both current and historic government information, GPO is reviewing proposals to digitize the legacy collections of the FDLs at no cost to the government. This digitization effort will greatly expand access to FDLP resources - to new users, to those not able to travel to regional depository libraries and will vastly improve how the public is able to research and mine the legacy collections. We applaud GPO's efforts to make this government information broadly and effectively available at no cost to the public.

We fully support GPO's continuing efforts to upgrade its technology platform. GPO recently deployed the Federal Digital System (FDsys), a digital content system that permits GPO to capture, provide access to and preserve government information from all three branches of government. Information resources from approximately 130 federal departments and agencies, along with the courts, are available via GPO's technology platform. FDsys will replace GPO Access. It will evolve over time by incorporating new technologies that reflect changing user information needs.

GPO is requesting funding to support the migration of selected legacy applications from a mainframe system to a more stable environment. This migration will greatly improve access by FDLs to needed, real time information while at the same time, be more cost effective for both GPO and the FDLs. Initial funding to replace older equipment was provided in FY2009 and new funding would support additional modernization efforts.

Thank you for your consideration of these requests and for your past support of GPO and the Federal Depository Library Program. The investment in systems and services to provide the public with government publications will ensure that valuable electronic government information created today will be discoverable, accessible, and preserved for future generations. We respectfully urge your strong support for Government Printing Office's FY2010 appropriations request of $166,300,000 and we look forward to working with you. We ask that you please include this statement as part of the hearing record.

Thank you very much.

Sincerely,

Lynne E. Bradley

Lynne Bradley
American Library Association

Prudence S. Adler

Prudence S. Adler
Association of Research Libraries

WEDNESDAY, MAY 6, 2009.

U.S. HOUSE OF REPRESENTATIVES

WITNESSES

HON. LORRAINE C. MILLER, CLERK OF THE HOUSE
HON. WILSON S. LIVINGOOD, SERGEANT AT ARMS
HON. DANIEL P. BEARD, CHIEF ADMINISTRATIVE OFFICER
JAMES J. CORNELL, INSPECTOR GENERAL
IRVIN NATHAN, GENERAL COUNSEL
PETER G. LEFEVRE, LAW REVISION COUNSEL
M. POPE BARROW, LEGISLATIVE COUNSEL
BRIAN MONAHAN, M.D., ATTENDING PHYSICIAN

OPENING REMARKS—CHAIR WASSERMAN SCHULTZ

Ms. WASSERMAN SCHULTZ. I would like to call the Legislative Branch Subcommittee on the House Committee on Appropriations to order. This will be our last budget hearing for the fiscal year 2010 cycle; not the last hearing, but the last budget hearing.

And we are pleased today to have the officers of the House of Representatives to present their fiscal year 2010 budget.

Let me just start by saying how much we appreciate your service to the House and to the American people.

Let me also say that a 15 percent increase after a 10 percent increase last year is not sustainable. As much as you have proposed a lot of wonderful programs and good ideas, many of those are things that, in an economic environment like the one that we are in, are just not possible.

So we are going to need you to help us prioritize the things that are must-do's, the gotta-haves versus the nice-to-haves, which is how we characterize, how I characterize, things in a categorical way in this subcommittee.

So I will have a number of questions for each of you. And I am sure Mr. Aderholt and the other members, or other member, will as well. We are becoming a regular trio here, and we look forward to hearing from you.

Mr. Aderholt, do you have any remarks?

OPENING REMARKS—MR. ADERHOLT

Mr. ADERHOLT. I will just be very brief.

I just want to welcome the officers of the House and also everyone that is with them today. I thank all of them for their service. We know that the jobs that you perform, help us do our job. So we appreciate the work that you do and how you carry out your responsibilities.

Of course, the request of $5 billion, which is 15 percent over fiscal year 2009, is—I share your concerns Madam Chair, with the economic situation we are in. We are not going to be able to do as

much as we would like to. But at the same time, we look forward to hearing the priorities and making sure that the things that are the must-haves, as you refer to them, are the things that we try to make sure we get funded.

So, again, we appreciate all of you being here, all your staff, and everyone that is involved with this hearing this morning. So we look forward to hearing your testimony.

OPENING STATEMENT—LORRAINE MILLER

Ms. WASSERMAN SCHULTZ. Thank you. We will first hear from Lorraine Miller.

Ms. Miller, your full statement will be entered into the record and you can proceed with a 5-minute summary.

Ms. MILLER. Good morning, Chairwoman Wasserman Schultz, Mr. Aderholt, and Mr. Cole.

We are delighted to be here with you this morning, and I will be brief.

We appreciate the subcommittee's support for the past year. And I would like to take an opportunity to give you a snapshot of the House legislative activity and some highlights on some ongoing projects that we have.

You have received our semiannual report for more detail, and if you would like a copy of it, we have additional copies here prepared.

HOUSE LEGISLATIVE ACTIVITY

A view of the House legislative activity: As of January 6th, there have been 638 hearings so far in the House, in the 111th Congress through April 24th.

There have been 230 roll call votes through May 4 of this year.

There have been 2,774 measures that have been introduced in the House through April 30th.

There have been 265 measures that have been passed by the House through April 30th.

And there are nine bills that have been enacted into law through April 30th.

So that means we have had kind of vigorous legislative activity.

ELECTRONIC VOTING SYSTEM

On ongoing projects, the Electronic Voting System. First of all, I would like to thank the subcommittee for its generous initial investment of $500,000 in the 27-month fund to begin a substantial overhaul and review of our EVS system. Our system needs to be upgraded in a very careful and methodical way. And so the subcommittee's support in that effort is much appreciated.

Bear in mind that our current main display, meaning the big display boards, was installed in 1976, some 33 years ago. In 1987, the doors and the wiring were replaced in our display boards. That was 22 years ago. And in 2003, the vote indicator lights were upgraded to the LED technology. In December of 2008, we upgraded to 20 new slots, anticipating new Members of Congress. So the Office of the Clerk is deeply involved in investigating alternatives as we upgrade the new technology of the system.

Given that, we have a budget request before you for $6 million in a no-year fund for the project, just for the EVS system. The first phase of this upgrade will be the summary boards, located on the east and west entries to the Chamber. We will work with the Parliamentarians to include additional information on the board, so that whatever bill is pending on the floor, there is more information available to Members and to people sitting in the gallery of what is actually pending.

We are planning on June 4th to offer the leadership, our Oversight and Appropriations Committee staff, and Members an opportunity to see a demonstration of what the new summary board technology would look like and what we would like to do with the display boards. Your offices will be notified. And we will have all of this; the contractor, the vendor will be here. And we will have a robust discussion of what we want.

Our plan is to do the summary boards first, and we are hoping that we can do it during the August recess. Our vendor tells us that we can do this comfortably within a couple of weeks, but we have a vigorous routine of testing. So it will take that amount of time to make sure that by the time we get back, on September 8th, that everything is up and running. But we will need a really quick turnaround decision of what Members want; what kind of bells and whistles you want on the new system; all of that.

Then the second part of the upgrade will be the display boards. And that will take a little longer time. There are a lot of concerns about it, and then we have got to make sure that the timing of it is done just right so that we don't interrupt the legislative schedule. Again, let me assure you that we will work hand-in-glove with the leadership, with our partners in this, because the AOC is very involved with us in planning this. And so everybody will know what we are doing, how we are doing it, when we are doing it, so that there are no surprises. That is one of the hallmarks.

EMERGENCY PREPAREDNESS

Another topic that I would like to raise real quick is emergency preparedness. During the threat of the H1N1 virus, we have had the pleasure of working in cooperation with the Office of the Attending Physician, the Sergeant at Arms, and the CAO. We have been partners in this. We have also extended our cooperation with the Secretary of the Senate, the Senate Sergeant at Arms, and the Architect of the Capitol. This has been a real collaborative effort. We are doing these daily conference calls at noon, even on Sundays, trying to stay ahead of the curve and preparing our staff.

We have a plan ready to disperse our Pages at a moment's notice. We have gone into the minutiae of sending a list to CATO of where all of our Pages are from, so we can get them on an airplane, a train, bus, whatever, and quickly disperse them at need. So all of our essential staff has been notified, and everybody is on the ready if we have an emergency and we have to evacuate.

ELECTRONIC RECORDS OF CONGRESS

The Electronic Records of Congress. This year, the Clerk became the Chair of the Advisory Committee on the Records of Congress. We had our first meeting April 27th. And our Office of History and

Preservation and the Center for Legislative Archives of the National Archives have been working on a long-term project to provide assistance and guidance to committees in transferring their records to the Clerk's office and ultimately to the National Archives.

In 2007, we established an Electronic Records Task Force that consisted of House committee staff, the National Archives and our staff in the Office of the Clerk. The Homeland Security Committee has given us, to date, 20 gigabytes; the Science Committee, 40 gigabytes of records; and during this Congress, we project that we will receive 6,870 gigabytes of electronic records. So we have been meeting with all of the committees of the House, encouraging them to prepare their records that they give at the end of each Congress in electronic format.

HOUSE PAGE PROGRAM

A quick note about the House Page Program. It is healthy and moving forward. June 5th is the departure ceremony for the current spring class, and our first summer class arrives on June 7th. Our second summer class arrives July 5th and departs August 1. The Page School has received a glowing recertification from the Middle States Association of Colleges and Schools with no comment, which is extraordinary.

We have felt for the longest time that we needed to include some kind of academic program with the summer Page Program. So, this summer, we are moving forward to offer three seminar classes for our students. The seminars are Politics and Government; International Relations; and Leadership in Government.

Going forward, we are going to focus on expanding work opportunities for our Pages beyond the House Floor. We have been talking to committees to see if there are opportunities that the committees may have to use a Page.

And then we are going to increase training for our Page Program staff.

SHIRLEY CHISHOLM AND FLORENCE KAHN PORTRAITS

A note about our Office of History and Preservation. In March, there was the unveiling of the Shirley Chisholm portrait that you find hanging in the hall here on the first floor. We expect the unveiling of our newest addition to the House portrait collection of former Member Florence Kahn. Ms. Kahn had a number of firsts. She was the first woman to serve on the Appropriations Committee. She was the first woman to serve on the Military Affairs Committee, and the first Jewish woman to serve in the Congress.

We expect to have the unveiling of her portrait some time this month, and on the Clerk's Web site is a tremendous amount of good information about our former Member.

LOBBYING DISCLOSURE

A couple things for the good and order. Lobbying disclosure. Our lobbying disclosure operation is going very well. Currently, in the Office of the Clerk, we have registered with us approximately 15,000 individual lobbyists; approximately 5,000 lobbying reg-

istrants, representing 20,000 clients. So there is a big lobbying community here that is registered with us.

On April 20th of this year, we received the most electronic filings of LDs—what we call them, lobbying disclosures—ever in one day; 7,200 people registered with us, which is about 40 percent of the total filings that we are expecting. We have increased our computer and server resources to manage the volume. Next Friday, May 15th, is the deadline for filing of Member financial disclosure statements which includes staff that have reached the financial threshold; May 15th, next Friday, financial disclosure.

CLERK'S BUDGET REQUEST

Our overall budget. The budget request before you reflects the increased demand in services offered by the Clerk's office. For fiscal year 2010, the Office is requesting a total of $33,901,000. The request includes about $22 million for personnel; about $5 million for nonpersonnel expenses; and of course, the $6 million request for the separate no-year fund to upgrade the House EVS and Chamber displays.

Again, I draw your attention to our semiannual report for more detail. And I am anxious to answer any questions you may have.

Thank you.

[Lorraine Miller's prepared statement follows:]

The Honorable Lorraine C. Miller
Clerk of the House

Statement before the House Appropriations Subcommittee
on the Legislative Branch

May 6, 2009

Madam Chair, Ranking Member Aderholt, and Members of the Subcommittee, I appreciate having the opportunity to provide testimony related to the operations and FY2010 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. Not only has the Office of the Clerk been given the resources to meet its responsibilities to the House, but we have been entrusted with initiatives that will improve and positively impact the way business is conducted for many years to come. 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 two 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.

I would like to take this opportunity to highlight a few on-going projects and significant accomplishments of the Office of the Clerk.

ELECTRONIC VOTING SYSTEM

First, I would like to thank the Subcommittee for your generous initial inclusion of $500,000 to upgrade the Electronic Voting System (EVS) in a 27-month fund for this new project. 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 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 physically 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 is currently investigating alternatives to upgrade existing display technologies.

The alternative display technologies that LCS is investigating include: different levels of LED, and a more modern nameplate system that looks very similar to the current display. LCS is working with proven vendors that supply these technologies to other Legislatures. A preliminary cost estimate for LED displays alone was over 4 million dollars. We also are actively moving forward to upgrade our summary panel technology. Members would like to have additional information describing a pending vote on the two summary panels. The space limitation on the current summary panels can not be expanded to accommodate that request. Therefore, we are moving within the year to upgrade the panels. A summary of available upgrade options, costs and timeframes will be presented to House Leadership for guidance and approval.

Our original FY2010 budget submission requested $6,000,000 in a no year fund. We will continue to work with the Subcommittee and staff on the logistics and details of this request.

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 2008. For example, the Member Information System (MIS) component was completed in March. The MIS is used by the Clerk's office to store and maintain official Member and Committee information for the House of Representatives. This information is used to create official publications for display and print on the Clerk's web site. The MIS system replaced a major portion of a very outdated and unsupported system. Due to the importance of the LIMS project, I would like to take this opportunity to thank the Subcommittee for restoring the funds in the LIMS no year fund in the FY2009 appropriations bill.

Production of historical Legislative Activity Guides (LAGS) is now being done on the new UNIX based LIMS. Conversion to the new UNIX based LIMS has allowed the Office of the Clerk to remove any remaining dependencies on the Chief Administrative Officer's mainframe computer. Enhancements will continue to be needed and implemented in this mission critical area.

We will continue our training in the software products we use to improve this area. The LIMS user interface will be modernized and methods of exchanging data with other legislative entities will be improved by implementing web services and XML technology. These ongoing efforts will continue this year and into 2010.

EMERGENCY PREPAREDNESS

The Office of the Clerk stepped up its participation in Emergency Planning Activities by developing the Office of the Clerk Business Continuity and Disaster Recovery Manual, working with the Sergeant At Arms to conduct a Chamber Evacuation Exercise, participating in alternative-chamber relocation exercises with the CAO and establishing ongoing communication with the Secretary of the Senate and the White

House. The Office of the Clerk also took part in a Capitol Hill table top exercise with the Capitol Police, House and Senate Officers and the Office of the Attending Physician.

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 2008. The new lobbying disclosure system was developed to allow individual lobbyists to file contribution reports. There are approximately 5000 lobbying registrant representing some 20,000 clients currently registered with the Office of the Clerk. In addition, there are approximately 15,000 individual lobbyists now registered in the Office of the Clerk's new lobbying contribution system. Increased computer resources as well as human resources 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. This has increased the number of filings received by the Office of the Clerk from approximately 40,000 lobbying reports to approximately 80,000 filed annually. In order to accommodate this increased workload, the lobbying reporting system was enhanced to handle the increased volume. In addition, 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. This new filing requirement has increased the number of lobbying reports received in the Office of the Clerk by approximately 40,000 filings annually. A new Lobbying Contribution system was designed and built from scratch to accommodate the new contribution filing requirements. This new system is working well. On April 20, 2009, we received the most electronic filings we have ever received in one day -- 7,200, which is 40 percent of the total filings expected.

In addition to the implementation of this major new system, Member financial disclosure reports, Gift and Travel reports, as well as post employment restrictions have been made available for public consumption on the Internet. Furthermore, full electronic reporting of financial disclosure and gift travel reporting should be implemented in the very near future. Major efforts with the appropriate funding will need to continue in this area.

COMPUTER OPERATIONS

Most of our servers have been migrated to BladeFrame technology. A bladeframe is an extremely thin server which contains only processors (CPUs) and memory, no disk storage. By removing disk storage (as contained in a traditional server), more room is available for multiple processors and more memory, resulting in a more powerful server. This also provides the capability to create "virtual" servers, making more efficient use of resources.

Both our main campus and the alternate computing facility have been converted to this technology. The BladeFrame servers require less physical space, less air conditioning, and less power to operate, in addition to providing better performance. As a result, this change contributes to the Speaker's Greening of the Capitol initiative.

PAGE PROGRAM

The Page Program is an important responsibility of the Office of the Clerk. In consultation with the Office of the Attending Physician, this year we completed a review of the Pages health care needs, which resulted in the development of more comprehensive health information forms for the admissions process and a new requirement that Pages without personal health insurance be required to join the federal health plan. The Office of the Clerk is also working with the Attending Physician's office to provide nutrition and diet seminars for the Pages.

We continue to review all facets of the Page program in order to enhance the experience for the Pages. For the past year and a half, we have worked with the House Sergeant at Arms and the Architect of the Capitol (AoC) to enhance Page security. The Page school has received its mid-year certification from the Middle States Association of Colleges and Schools.

Moving forward, we are turning our attention to three areas:

- Adding a limited summer school component that will include three seminars: Politics and Government, International Relations and Leadership in Government;
- Expanding work opportunities for Pages to include Committees; and,
- Increased training for Page Program staff.

VACANT CONGRESSIONAL OFFICES

The House experienced fourteen vacancies in the 110th Congress, as compared to nine vacancies during the 109th Congress. These vacancies were due to the resignation or death of a Member (Louisiana 1st, Louisiana 6th, California 12th , Maryland 4th, Ohio 11th, and Virginia 11th). 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. In the 111th Congress we have one current vacancy: California 32nd. Special elections were held for two vacancies earlier this year: Illinois 5th and New York 20th.

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 aggressively reaching out to Member offices, responding to more calls for assistance than in any previous year.

In 2008, the archival staff processed 3,278,400 official House records. In addition, as part of a full-throated outreach program, we worked closely with the Committee on House Administration and the Senate Committee on Rules to support their introduction and passage of H. Con. Res. 307, expressing a sense of Congress that Members properly care for their official papers. As a result of this and other outreach tools, we have more than doubled the number of Members and tripled the number of committees to whom the archival staff gives personal consultations.

Historical reference support for House Members, committees, and the general public, continues to increase, as the Office of History and Preservation staff history staff produce more publications and augments the history sections of the Clerk's Web site. We published over 150 new pieces of historical material in print and on the web in 2008, and answered more than 800 reference questions.

Most prominent among the House's recent historical publications is *Black Americans in Congress, 1870-2007*. This book is the second in a series of congressionally-mandated volumes on women and minorities in Congress following *2007's Women in Congress, 1917-2006. Black Americans in Congress, 1870-2007*, is an updated edition of a series that began in 1976. This 900-page volume greatly expands upon earlier editions and includes biographical profiles of each African American who has served in Congress; an introduction and contextual essays describing successive generations of African American Members; ten appendices; a full index; historical images; charts and graphs; and footnotes. A companion website provides information that is updated to the 111th Congress, as well as lesson plans for teachers.

The Clerk is the custodian of art and historical artifacts in the House. In that capacity, the curatorial staff conducted over 1,000 moves of artwork in 2008, almost double the previous year's number. Among the most recent artworks to enter the House are portraits of Chairman Jim Oberstar and former Chairman Joe Barton. With some public fanfare, the House on March 3rd, unveiled a new portrait of Congresswoman Shirley Chisholm, which is currently on display on the First floor of the Capitol.

I am pleased to inform you that this year we will unveil the newest official House commission of artwork, a portrait of Congresswoman Florence Kahn, a giant among the first generation of women in Congress. Rep. Kahn represented San Francisco for over a decade in the 1920s and '30s and had 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 will hang in the United States Capitol for all our visitors to see. Congresswoman Kahn's portrait unveiling will be accompanied by a multimedia website about her heritage, life and career.

CAPITOL VISITOR CENTER

The December 2008 opening of the Capitol Visitor Center was the culmination of many years of support and oversight 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, staff reviewed over 1,000 books and products in just three months, culling the appropriate from the questionable. Historical and curatorial staff in the office of the Clerk helped the CVC educators shape programming goals, informational brochures and educational materials. We will continue our involvement in providing advice and support for CVC exhibit and program staff.

SLAVE LABOR TASK FORCE

During the 110th 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 in building 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. Commemorative measures include the installation of one of the original building stones quarried by slaves, in or near the CVC and Capitol and educational on-line exhibitions and teaching materials.

Through 2008, House and Senate staff worked to flesh out the nine recommendations presented at a hearing on November 7, 2007, called by the Committee on House Administration, and forwarded to the Speaker of the House and the President pro tempore of the Senate by Task Force Chairman John Lewis of Georgia, including an endorsement of this Subcommittee's efforts to designate the great hall of the CVC "Emancipation Hall." Several recommendations have come to fruition already, and the House and Senate are working to implement others in the coming months. Of particular note are the installation of commemorative plaques, to be placed on portions of the original Capitol walls on the House and Senate sides, quarried by enslaved African Americas 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, as well as the House Journal in the library at the Clerk's office 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 by Legislative Resource Center (LRC). 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 two tier plan for modernizing the library. First, the library needs to preserve and improve the collections located in the Cannon, Madison and Adams buildings. The Cannon and Madison libraries need an adequate ventilation system. In addition, the book collections in all three buildings need to be evaluated for re-binding or digitizing. 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 AoC will work on the ventilation system at the Cannon and Madison locations.

Second, the Office of the Clerk is working with the Architect of the Capitol 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. It 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 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.

FY2010 BUDGET REQUEST

We are serving in an historic time in our country and the House of Representatives which has translated into the busiest legislation session in House history during the First Session of the 110th Congress. The Office of the Clerk expects this pace to continue in the 111th Congress. We are prepared in the event the House surpasses this record. Our budget request reflects this preparation.

For fiscal year 2010, the Office of the Clerk is requesting a total of $33,901,000, as modified to conform to the estimated cost-of-living adjustments. This increase includes a $6,000,000 request for a separate no-year fund to upgrade and update the House Electronic Voting System (EVS) and Chamber Display. As I mentioned earlier, we are extremely grateful to the Committee for the first allocation of $500,000 in FY2009 to begin this massive and important project.

In addition to the EVS funding, the request includes $22,031,000 for personnel expenses, the $6,000,000 for the EVS upgrade and $5,870,000 for non-personnel expenses. The personnel budget request is a $2,190,000 increase or an 11 percent increase over the FY2009 request. The personnel increase includes annualization of the FY2008 cost-of-living adjustments, prorated FY2010 cost-of-living adjustments, FY2010 overtime costs, temporary positions, longevity and meritorious increases. The increase also includes 6 new FTEs, bringing the Office of the Clerk total to 261. In addition, a base adjustment of $233,000 was included for three new positions created during FY2008 after the FY2009 budget request submission and therefore are not a part of our personnel budget base.

The six new positions are spread between three divisions within the Office of the Clerk. Two of the new positions are within the Legislative Computer System (LCS)

division. The first position is a new development specialist, which is needed to provide additional development resources for the increasing number of public disclosure applications that are required by law, and also to provide backup development support for the Legislative Information Management System (LIMS). The second new position in LCS is a software engineer. Pope Barrow, the Legislative Counsel for the House, requested that we create another FTE in LCS for the purpose of providing full-time support of the XMetaL application used in his office, several Committee offices, GPO, and the LOC. This application was developed in LCS for the purpose of drafting and editing bills, resolutions, and amendments. Mr. Barrow has been employing the services of a contractor for this support, but feels the House would be better served by direct support by Clerk staff, which allow for further needed enhancements to the application. Mr. Barrow has proposed that the monies used by his office for the contractor be re-directed to the Clerk's office for the purpose of funding the additional FTE.

The third new position is an Associate Counsel position for the Office of House Employment Counsel (OHEC). Over the last several years OHEC has experienced a significant increase in client training requests. In addition, OHEC will need to provide ongoing advice in response to anticipated Office of Compliance regulations likely to be adopted by the Congress. The approval of another attorney position will afford OHEC the necessary manpower to address this increased workload.

We also are requesting three new positions for the House Library within the Legislative Resource Center (LRC). As I mentioned earlier, we are working to modernize the existing library. As the Library grows, additional staff will be needed to meet the demand for services. The first new library position is a reference librarian. This position would answer reference questions; research and add information to the website; track legislation; research and compile data for each Congress and work on special projects. The second position, a technical services library clerk would enter data for new materials acquired into the online library catalog; process and shelve new materials; weed and discard outdated materials; research and update the website; answer ready reference questions and work on special projects. The third position, a reference services library clerk would research information for reference; research projects for the website; answer reference questions; track legislation and work on special projects. These positions are critical to our plan to update the Library.

As you well know, the Office of the Clerk's core mission has a direct correlation to House operations. While the First Session of the 110th Congress was the most active in legislative history, the Second Session was also quite active. We expect the 111th Congress to be as equally busy.

Increased Floor and Committee activity directly impact our overtime and supplemental stenography costs. For example, the FY 2006 overtime costs of the Office of the Clerk were $243,000. Given the increases of Floor and Committee activity, our overtime costs jumped to $365,000 an increase of $122,000 (50 percent). The Office of the Clerk has implemented new policies to ensure maximum effectiveness of our

overtime dollars. Even though salaries are higher, we plan to hold overtime costs to the FY2007 level.

Our budget also reflects the growing demand for the services provided by the Office of the Clerk. Within our non-personnel request, there are two major new expenses related to the increased need for document storage and archiving. Storage needs to be expanded due to statutory requirements of public disclosure laws, and our efforts to make more use of electronic documents to mitigate increasing physical storage requirements of paper documents. The FY2010 request includes $425,000 in new equipment purchases for additional storage and an on-line archiving solution due to increased storage requirements. In addition, the Office of History and Preservation needs additional storage capacity for official records of the House. This request would provide $125,000 for the first of two phases of a planned purchase of compact shelving which will provide more records storage, addressing current needs and investing for the future. Current obligations are already growing -- in the first session of the 110th Congress, we saw a growth of 90 percent in the official records sent to the Clerk for archiving. The Office of the Clerk's vigorous outreach program has resulted in a 250 percent increase in the House Archivists' consultations, which we expect will translate into significant increases in archiving in the future. The new shelving will allow us to make the most of our existing storage space.

Other major non-personnel expenses include:

- $1,000,000 for supplemental stenographic reporting;
- $747,000 to pay for the Closed Captioning of the House Floor proceedings. This is the third year of a new competitive contract awarded in FY2006;
- $100,000 for Office of the House Employment Counsel investigations; and
- $100,000 for reference publications, databases and equipment for the House Library.

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 continue to save money in every way possible.

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 FY2010 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 Office of the Clerk will continue to fulfill its obligations to the House; however, we are in need of additional resources.

The Office of the Clerk was pleased to be a part of the most active legislative session in the history of Congress during the 110th Congress and looks forward to our continued support the U.S. House of Representatives.

I appreciate having the opportunity to appear today. I am ready to assist you in any way throughout the development of the FY2010 spending bill for the House and will be delighted to answer any questions you may have.

OPENING STATEMENT—DAN BEARD

Ms. WASSERMAN SCHULTZ. Thank you, Ms. Miller.

Mr. Beard.

Mr. BEARD. Thank you, Madam Chair.

Let me begin by taking this opportunity to express my gratitude to the members of the subcommittee for your support of all our efforts. We appreciate it, and we look forward to working with you.

INFORMATION TECHNOLOGY

I would like to highlight some of the things that are in my testimony. The first is in the area of information technology. Last year, the Speaker and Republican leader directed my office to undertake a series of improvements in IT security efforts. As a result, we centralized IT security management and instituted a number of improvements, including the installation of over 200,000 patches to the software systems of the House to close about a million vulnerabilities in our system, and improved our security by 38 percent.

Now we have also instituted a laptop and data encryption program to protect portable data and enhanced computer forensic systems that enable us to address the ever-increasing and, frankly, ever-more sophisticated cyber threats that we have to address with the House system.

In fiscal year 2010, we request an additional $7 million to improve our back-end hardware and processes to keep up with the growing demand from our users for mobile data access anywhere, any time. The largest effort will be to significantly increase e-mail data storage. Most of you get these disturbing little e-mails that say, delete things from your inbox. We will be able to get rid of that with this year's request. And it will enable us to transmit more data.

The additional funds will also be used to enhance our ability to handle visual information, which has really placed a significant onus on our organization, as well as to improve our phone systems, including the use of voice-over IP, which will also reduce the cost to individual offices.

STAFF BENEFITS

For fiscal 2010, in the area of employee benefits, we are continuing to request funds to initiate two new programs. The first is a tuition reimbursement program. Every agency in the legislative branch has a tuition reimbursement program. We do not. And we are also requesting funds for a commuter parking program to encourage our employees to take Metro.

This is particularly important because our workforce is rather unique: 51 percent of our workforce is under the age of 35, and 81 percent of those work for Members, and yet their term of service is generally about 3 years in Member offices. That is the going average. So we have a young, highly mobile workforce, and it is in the best interest of the institution that we keep and attract those people for as long as we can.

WOUNDED WARRIOR PROGRAM

The current job market poses some significant and formidable challenges for wounded veterans returning from the wars in Iraq and Afghanistan. Speaker Pelosi believes the House should honor the sacrifices of those veterans by initiating a Wounded Warrior Program where we have been funding a stipend for a 2-year program where veterans work in Member offices. So, to date, 11 wounded warriors have been hired under this program, and another 12 are in the process of being hired. We are requesting $2.5 million for this program, the same as last year, and 25 FTEs to be able to handle those veterans.

HEARING ROOM MODERNIZATION

Since 2002, we have been involved with the House committee Chairs in undertaking an audio and video renovation program of each of the offices. To date, we have completed 14 committees, full committee hearing rooms. And we are requesting $10.2 million to complete six more, and this will complete the 20 full committees where they will at least have one hearing room with high-tech audio-visual equipment.

BUSINESS CONTINUITY AND DISASTER RECOVERY

The 2008 hurricane season significantly damaged a number of district offices in the Gulf region. In Hurricane Gustav, we monitored 57 district offices that could potentially be affected. Eight of those were closed for various periods of time. In Hurricane Ike, we monitored 135 district offices, and we had 19 closures, again, some for significant periods of time.

Without power, Internet connections, telephones and in some cases even office buildings, some Members in Louisiana and Texas were no longer able to serve their constituents. Congressman Paul's office, for example, in Galveston was simply wiped out. Congressman Brady's Orange, Texas office was filled with mud and was made virtually unusable.

In consultation with the House leadership, my office responded to requests from the Members to provide administrative and operational support, and we deployed our mobile communications capability to both Louisiana and Baton Rouge; then later, with Hurricane Ike, to Houston, where we set up a regional district office outside of Houston.

A picture is worth a thousand words. But this is the type of capability that we have. We have a facility that is self-contained, so we have our own power. We have our own capability and we have linkage to satellites to be able to get back to the House e-mail and House system. And we also have equipment that we brought with us.

This is 8:30 a.m., Tuesday morning, outside of Houston. There was no electricity, no FEMA office, no nothing. So our folks went down over the weekend, set up on Monday, and Tuesday morning at 9 a.m., we opened up.

These are the folks that were waiting at 8:30 a.m. on Tuesday morning just to get to a telephone that would work or to e-mail connections.

Now the problem that they had was FEMA said that they couldn't respond or they wouldn't provide assistance unless there was a claim filed and you had a claim number. But the only way you could get that was online, and the only way you could get online was if you had electricity. And of course, there was no electricity.

Ms. WASSERMAN SCHULTZ. That makes no sense.

Mr. BEARD. So we were simply flooded and inundated with people.

In looking at this picture—I looked at this picture before I came—and I couldn't see any of our employees. What happened here was very strange. Volunteers suddenly appeared at this American Legion Hall. We tried to use the Air Force base, but it simply wasn't able to accommodate constituents coming in. So we used the American Legion hall across the street from the base. And these photos represent people who just came in and wanted a computer, a telephone, somebody to talk to. And people, literally, volunteers just appeared and started to teach people how to use computers. So we had people that did that.

This office was made available to all the Members of the Houston delegation, and to the Texas Senators as well who also worked out of this office because none of the office buildings in downtown Houston were useable at that time.

The most important thing we did here is we had an exit strategy. With the assistance of the Capitol Police, we were there from Tuesday through Saturday, and then we closed down. Once FEMA got up and running and had service centers around the city, we left.

This effort shows you the kind of investment we have made here in our business continuity and disaster recovery assistance, what it can lead to and how it can assist individual Members. So we monitor every twister, every hurricane, everything, to see that our district offices are taken care of. Since we have over 900 district offices, we have a lot to worry about in this institution.

HOUSE MAIL

I also wanted to point out, in February of this year, the Chair and ranking Republican of the House Subcommittee on Capitol Security requested my office to undertake a review of the House mail program. I point this out because Mail Management is our largest vendor contract. After 2001, a number of changes were initiated to provide a much more secure mail system. The subcommittee feels it is time to review those decisions to see if they still need to have many of the initial requirements in place.

We will be undertaking a comprehensive review of our existing program, assessment of alternatives, and make recommendations. We are joined in this effort by the Office of the Inspector General, and we expect to have recommendations for you by the 15th of September. This will have some budgetary impact and more than likely reduce our budgetary needs.

GREEN THE CAPITOL

On April 22, the Speaker announced the next phase of our Green the Capitol program. In coordination with the Architect, we are working with Member and committee offices to encourage a num-

ber of energy conservation and sustainability actions. These actions could result in reducing energy consumption in Member offices by as much as 10 percent, at a savings of $1 million a year in our electricity bill. This effort will be undertaken by my office using existing personnel and resources. We do not require increased funds to implement the Speaker's initiative in 2010.

We are requesting $10 million in this budget to fund a series of energy conservation sustainability projects. This program is being undertaken with the Architect, Lawrence Berkeley Labs and DOE. We have received over 40 proposals to demonstrate innovative energy efficiency and conservation technology here in the House. We have received proposals for such things as LED lighting in our cafeterias; a solid oxide fuel cell generator to take over a portion of the electricity load in the office buildings; a proposal for integrated solar lighting, both in our warehouses and in loading docks; and, also, the innovative use of wind turbines.

We have a team of people reviewing all these proposals and of course have to wait to see how much funding we have and how many we can support. The importance of this funding really transcends the House's need to acquire better energy-saving technology. It is intended as an effort to support American companies that are on the forefront of green technology. By allowing these companies to showcase their technologies here on Capitol Hill, we hope to help them turn green job creation into a reality.

Again, I want to thank you for your past support, and we think that our fiscal 2010 request will ensure our ability to meet our stated missions.

We look forward to answering your questions.

[Dan Beard's prepared statement follows:]

Chief Administrative Officer Budget Request — Fiscal Year 2010

Testimony
Daniel P. Beard
Chief Administrative Officer
U.S. House of Representatives
May 6, 2009

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 taking this opportunity to express 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 year, the Speaker and Republican Leader directed my office to undertake a series of improvements in our security efforts. As a result, we have centralized security IT management and instituted a number of improvements, including a centralized patch management system that has closed more than 1,000,000 vulnerabilities. This was imperative to protect our data, and also led us to institute a laptop and data encryption program to protect "portable" data from unauthorized access. In keeping with the goal of maintaining the highest security standards, we have also enhanced computer forensics systems to provide real-time analysis and threat identification. Such fortifications are particularly necessary given the ever-increasing, ever-more-sophisticated cyber threats

posed by foreign and rogue entities bent on gaining access to sensitive legislative information.

Our Fiscal Year 2010 request includes $7 million to improve our back-end hardware and processes to keep up with the growing demand for mobile data access anytime, anywhere. We are experiencing significantly greater demand for data transmission capabilities, increased data storage needs, enhanced ability to handle visual information and improvements in phone system requirements. The funds requested will enable us to meet the growing needs in these areas.

Improving House Employee Benefits

For Fiscal Year 2010, we are continuing efforts to improve the benefits package for House employees.

We believe the employees of the House of Representatives are some of the most dedicated and committed in government, yet their benefits are simply not on par with those working for the Executive Branch. For example, Executive Branch employees enjoy an array of benefits our employees do not, including: tuition reimbursement; transit parking benefits; child care subsidies; and paychecks every two weeks.

Retaining and attracting talented employees fortifies institutional knowledge and ensures a capable workforce that can keep pace with the ever-increasing demands of this institution, at the precise moment when our employees are being tasked with complex, demanding legislative projects aimed at managing several national and global crises. Therefore, we are asking for $33.3 million to strengthen the House's benefits package, making the House an employer that remains attractive to the most talented job-seekers.

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 are challenged by the reentry into the civilian workforce. Speaker Nancy Pelosi believes the House of Representatives must take a leadership position as an employer that values not only the courageous sacrifices these soldiers made through their service to our country, but also the special skills and invaluable experience these brave men and women have to offer.

To date, the House Members have hired 11 wounded veterans under this program, and another 12 wounded veterans' 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 importance of this program, which has already received major national media attention, is magnified by the fact that it sets a standard for employers around the nation. It 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 be sufficient 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. We've partnered with the Architect of the Capitol to execute the program, which aims to upgrade audio and video technology in hearing rooms to allow committees to broadcast their hearings.

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 $10.2 million to continue the next phase of these improvements that will link all rooms to the House Recording Studio.

To date, 14 committees have been upgraded. The remaining six are currently in the design phase, with the installation to be determined by the respective Chairs.

This initiative goes beyond the mere acquisition of better equipment and systems. Such capabilities are essential in an era of heightened governmental transparency and accountability. Members' constituents will demand, and should enjoy, the utmost access to all legislative activities, driven largely through such technological improvements.

Ensuring our Business Continuity and Disaster Recovery Capabilities

The 2008 Hurricane season significantly damaged many District Offices throughout the Gulf region. Without power, internet connection, telephones and, in some cases, even their office building, those Members were no longer able to serve their constituents.

In consultation with House Leadership, the CAO's office responded to several Members' requests for administrative and operational support by deploying our mobile

communications capabilities. Our team and equipment provided direct support to Members and staff, as well as to some Senators, as they served more than 7,000 constituents affected by Hurricanes Gustav and Ike.

While the Federal Emergency Management Administration (FEMA) is clearly responsible for providing direct support to those Americans affected by national disasters, the role of legislative district offices during times of disaster has matured. These offices are now expected to offer much needed coordination between FEMA and the victims of said disasters, making our support of these offices in times of disaster a critical necessity in the overall relief system.

In February 2009, the House Subcommittee on Capitol Security requested the CAO "undertake a review of the House secure mail program and policies." In response, we have initiated a comprehensive review of the existing secure mail program, an assessment of alternatives and recommendations for improving the efficiency, cost effectiveness and sustainability of the House's mail program. This review is being undertaken in cooperation with the Office of the Inspector General. We are anticipating completing our review and recommendations by September 15th.

Green the Capitol Program

On April 22, the Speaker announced the next phase in our Green the Capitol Program. In coordination with the Architect of the Capitol, we will work with Member and Committee offices to encourage a series of energy conservation and sustainability actions that could result in reducing House energy consumption by 10 percent, which should initially result in a $1 million savings. This activity will be undertaken using

existing personnel and resources. We do not require increased funds to implement the Speaker's initiative in Fiscal Year 2010.

Demonstration Projects

We are requesting $10 million to fund a series of energy conservation and sustainability projects. This program is being undertaken in cooperation with the Architect of the Capitol, Lawrence Berkeley National Lab and the Department of Energy. After issuing a sources sought, we have 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 around their respective industries will increase, which will in turn fuel "green job" creation, a priority for the Speaker and the President.

Closing Remarks

The CAO's budget for Fiscal Year 2010 will ensure we remain true to our new stated mission of "sustainable solutions," and will accurately convey our level of commitment to providing the Members of the House with the level of service, support and business continuity they deserve in an environmentally responsible manner.

Again Madam Chair, I appreciate the opportunity to present the budget for the offices of the Chief Administrative Officer for Fiscal Year 2010.

OPENING STATEMENT—BILL LIVINGOOD

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

Sergeant-at-Arms Livingood.

Mr. LIVINGOOD. Good morning, Madam Chair, Mr. Aderholt, members of the committee.

I appreciate the opportunity to speak before you today to present the Sergeant at Arms budget for fiscal year 2010. I also want to thank each and every one of you and give you my sincere gratitude for the continued support throughout the year. My office and the Capitol Police could not exist without that. I mean that very sincerely.

It has been both a busy and historic period since I last testified before you. Over the past year, the Office of the Sergeant at Arms has assisted in numerous events both on and off the Capitol campus. My office played a large role in both conventions and the opening of the 111th Congress and the planning of the 56th Presidential Inauguration and the Presidential Address. Just yesterday, for instance, we had three heads of state here going back and forth all day.

SECURITY MATTERS

As Sergeant at Arms, I review all security matters affecting the U.S. House of Representatives. I actively participate in establishing policies designed to safeguard the Capitol Complex and its occupants. As a member of the Capitol Police Board, I have those responsibilities.

I am also on the Congressional Accessibility Services Board, which is the group that oversees and conducts services for people with accessibility needs. Allowing the Capitol to remain open and accessible to all visitors without compromising security continues to be one of my most challenging and important tasks. My office is continuously examining technologies to aid in the improvement of the life-safety posture of the Capitol and the House Office Buildings.

Some of the ideas we have gotten from committee members, and I appreciate the help, other Members, staff, other government agencies. Ideas range from the installation of cameras and emergency call boxes in the House Office Building stairwells. Some of that money is in the Capitol Police budget as we speak today, and I will be asking eventually for additional funding for some of that.

EMERGENCY PLANNING

Simulation evacuation modelling assistance, something we have talked about for a while, but before, we were not in a position to be able to do anything about it because we did not have the responsibility for evacuations, which was given to us by the Speaker last summer. So now we have the responsibility.

We have had dozens of meetings since then with technology providers to research the range of potentially useful systems. In order to bring better focus to this issue, a series of meetings was conducted with other government entities to evaluate their approaches to evacuation planning and execution. One of the principal lessons we have learned is that better information is needed to realistically

predict the most effective and safe evacuation strategies and operations. And we have found some technology on several phases that may work with this, and we will be looking at that.

Due to the ever-changing environment on Capitol Hill and the disruption inherent in conducting realistic evacuation drills, this computer model gives the opportunities to test and evaluate evacuation plans without having to have fire drills. That doesn't mean we do away with them, but this is in addition.

Other agencies with similar challenges are employing simulation-based decision support systems as a primary means of designing, testing and evaluating their emergency plans. The simulation-based decision support system provides an accurate and flexible method to assess evacuation plans without the disruption the drills cause. This allows for the evaluation of a wide range of evacuation scenarios. It also helps with other police problems, shooter in the building, chem, bio, other items such as that. It can be utilized to fine tune or evaluate current evacuation plans and conduct better drills.

The goal is to do an end-to-end analysis of the technology requirement and, if appropriate, to seek the necessary funding to acquire the capability through a competitive process in the near future.

BADGING SYSTEM

In fiscal 2010, the total funding requested for the Sergeant at Arms is $10,092,000. This includes $8,222,000 for personnel expenses, and $1,870,000 for nonpersonnel items. One of the nonpersonnel items is our purchasing of supplies for the 112th Congress, that is the new Member pins, license plates, staff parking permits, that type, IDs; and $525,000 is a new initiative. It is for the nonpersonnel funds. It is requesting to purchase a new identification badge production system. Our system is close to 13 years old. The new identification badge production system will provide the House with a more secure, stable and technologically advanced badging system. That will be also compatible with the Senate and the Capitol Police badging systems.

Additionally, we hope that this new system will allow online requests, which will accelerate the production and issuance of identification badges. It will also include new equipment to replace the old existing hardware, as well as upgrades to the mobile badge production units stored offsite and utilized in a coop situation.

Mindful of the sensitivity to any request for a funding increase, I want to reassure the members of the 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 the services we offer. My goal and that of each of my employees is to ensure that we work together to support the community.

In closing, I want to thank the members of the committee for the opportunity to present our budget and just to let you know that we remain vigilant daily and committed to ensuring the safety and security of the Capitol Complex and its occupants while maintaining the best possible fiscal responsibilities during these difficult eco-

nomic times. As always, I will keep the committee informed of my activities.

At this time, I am ready to answer any questions that you may have.

[Bill 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 2010 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 2010. Before I begin my statement, I would like to express my sincere gratitude to each member of this Committee for their continued support throughout the past year. Your 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.

It has been both a busy and historic period since I last testified before this committee. Over the past year the Office of the Sergeant at Arms has assisted in numerous events both on and off the Capitol campus. To highlight a few:

- My office advanced and supported both Presidential conventions.

- My office participated in the planning of the opening of the Capitol Visitor Center (CVC) and the transition of the Capitol Guide Service to new management under the Architect of the Capitol.
- My office assisted with the coordination of activities related to the opening of the 111th Congress.
- My office participated with the planning of the 56th Presidential Inauguration.
- My office coordinated logistics regarding President Obama's first Address to Congress.

As Sergeant at Arms, I review all security matters affecting the U.S. House of Representatives. I actively participate in establishing policies designed to safeguard the Capitol complex and its occupants, as both a member of the United States Capitol Police Board and the newly created Congressional Accessibility Services Board. Allowing the Capitol to remain open and accessible to all visitors without compromising security continues to be one of my most challenging and important tasks.

The six divisions within the Sergeant at Arms organization provide a variety of services to Members and staff. At the onset of the 111th Congress, staff in the Sergeant at Arms Immediate Office assisted coordinating logistics and access for opening day ceremonies as well as the distribution of Member and spouse identification pins and license plates. Staff in the division of Information Services created and distributed

approximately 20,000 ID badges to permanent and temporary staff, interns, pages, fellows, detailees, liaison offices, vendors, Architect of the Capitol staff, contractors, and the immediate family and spouses of Members of Congress. The division of Chamber Security facilitated access to the House floor and galleries and distributed 111th Congress gallery passes. Staff in the division of House Garages and Parking Security issued approximately 7,800 House parking permits, and continue to enforce House parking regulations set forth by the Committee on House Administration. The House Security Office continues to assist in the facilitation of staff security clearances as well as outreach to and education of Members and staff in the handling and storage of classified information. The newly created division of Emergency Continuity Preparedness assists Member offices and Committees in establishing and reviewing evacuation routes, updating evacuation plans and procedures, and coordinating evacuation drills throughout the Capitol complex.

The Office of the Sergeant at Arms is continuously examining technologies to aid in improving the life-safety posture of the Capitol and House Office Buildings. Dozens of meetings with technology providers have been conducted to research the range of potentially useful systems. The range of technology options borders on the overwhelming where much of it remains untested in a multi-building environment like the Capitol Complex. In order to bring better focus to the issue, a series of meetings were conducted with other government entities to evaluate their respective approaches to evacuation planning and execution. Particularly helpful were meetings with the General Services Administration and the Pentagon Force Protection Agency. One of

the principal lessons learned from this endeavor was that better information is needed to realistically predict the most effective and safe evacuation strategies and operations. Due to the ever-changing environment on Capitol Hill and the disruption inherent in conducting realistic evacuation drills, the opportunities to test and evaluate evacuation plans are limited at best. Other agencies with similar challenges are employing simulation-based decision support systems as a primary means of designing, testing and evaluating their emergency plans.

A simulation-based decision support system provides an accurate and flexible method to assess evacuation plans without the disruption that drills inevitably cause. The system allows for the evaluation of a wide range of evacuation scenarios. It can provide the ability to factor in changing conditions, such as infrastructure or procedural changes, while still in the planning stages. It can be utilized to fine tune or validate current evacuation plans and better utilize evacuation drills and events. A major strength of event simulation is the ability to model random events and to predict the effects of the complex interaction between these events. Specifically, an evacuation decision support system would provide the ability to:

- Simulate emergency scenarios, (i.e. active shooter, fire, chemical attack, etc.) evaluate decontamination scenarios and test new technologies and procedures.
- Proactively address problem areas indicated by the simulation.

- Test and evaluate improvement options and make more informed investment, operations, security, and staffing decisions.
- View reports on measures of effectiveness, such as time to evacuate by pedestrian type and location.
- Validate staff and budget recommendations.
- Visualize evacuation routes, choke points, and required personnel under emergency conditions.
- Provide training aids for staff training.

Early estimates for acquisition of a simulation capability ranged from $800,000 for a fixed number of simulations to $1.7 million for a full decision support system. These figures are somewhat dated and recent innovations necessitate a new look.

At least one agency has adapted the simulation tool to model special events. The capability can be used not only to assess the many variables associated with evacuation planning, but adds the capability to simulate loading scenarios, or the entry of people into buildings or venues, including the ability to simulate metal detectors and queuing areas. These features will make it possible to determine how long it will take to load a venue before an event given a set of parameters. The utility of an expanded tool, in light of experiences during the Presidential Inauguration, has prompted us to engage with the Senate Sergeant at Arms, the Capitol Police and the United States Secret Service to take another look before proceeding further.

At least one other agency utilizes the simulation tool to drive their evacuation guidance system. The evacuation guidance system determines the optimum evacuation route for building occupants, taking into account the location and quantity of any sensed contaminant, and adjusts the evacuation strategy based upon time, available stairs and doors, and limiting cross contamination. The solution is displayed to the evacuees via a series of lights that provide direction.

Lacking a full-fledged research and development component, we intend to rely a great deal on the experience of other agencies in developing the specifications for the most effective technology. Ultimately, the goal is to do an end-to-end analysis of the technology requirement and if appropriate, seek the necessary funding to acquire the capability through a competitive process in the near future. It should be noted that the United States Capitol Police have submitted an initial request for funding cameras and communication systems in the stairwells of the House Office Buildings.

In fiscal year 2010, the total funding requested for the Sergeant at Arms office is $10,092,000. This includes $8,222,000 for personnel expenses and $1,870,000 for non-personnel items. This is an overall increase of $1,737,000 from fiscal year 2009.

Personnel funding is requested for salaries of current employees as well as for expenses related to the request for six new FTE. Of these six new FTE, four will serve within the Sergeant at Arms Office of Emergency Continuity Preparedness to enhance House-wide emergency preparedness and planning activities and will coordinate the Office of the Sergeant at Arms participation in all House emergency preparedness

training and exercises. The remaining two FTE will serve as Security Officers within the House Security Office and will assist in the administration of the House of Representatives classified information security programs. The increase of $877,000 in personnel expenses is due not only to the aforementioned staff level increase of six FTE but also to the fiscal year 2009 cost of living annualized; fiscal year 2010 cost of living prorated; overtime pay; and longevity and meritorious increases.

A total of $1,870,000 is requested for non-personnel expenses. Funding for travel continues to permit my staff to advance and support official special events involving Members of Congress. Non-personnel funds will be used for the continued training and education of all Sergeant at Arms staff in the areas of emergency preparedness, information technology, leadership/management, office administration, and customer service. A well-prepared staff and trained staff is essential in the successful execution of all job responsibilities. Non-personnel funds will also allow continued contractor support in the areas of emergency planning and preparedness, as well as continued consultant services in the areas of threat mitigation force protection, and counter-terrorism and on emerging security related technology. Additionally, non-personnel funding will be used to purchase general office supplies, Member and spouse pins and license plates, staff parking permits, identification badge materials, and office equipment, as well as transit benefits, rent, communications, and utilities (RCU), and printing needs.

The overall increase in non-personnel funding from fiscal year 2009 is

$860,000. A large part of this increase can be attributed to funds requested to upgrade the identification badge production system. With the current system close to thirteen years old, this new identification badge production system will provide the House with a more secure, stable, and technologically advanced badging system that is also compatible with the U.S. Senate and U.S. Capitol Police badging systems. This new identification badging system will allow the submission of secure online requests which will accelerate the production and issuance of identification badges. It will also include new equipment to replace existing hardware, as well as upgrades to the mobile badge production units stored offsite and utilized in a COOP situation. Additionally, this non-personnel increase is due to inflation and can also be attributed to the cyclical nature of our budget in which we request new Congress supplies and materials in even number fiscal years only.

Mindful of the sensitivity of any request for a 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 the services we offer. My goal, and that of each of my employees, is to ensure that we work together to support the Congressional community. I think each of 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 2010. Please 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 so much, Sergeant Livingood.

And thank you all very much for all of your service and for the service of your employees. The House of Representatives couldn't function without the staff and employees of each of your offices.

I have questions for each of you. My first question is to Dr. Monahan if you could join us at the table.

H1N1 VIRUS

Dr. Monahan, as the Attending Physician of the House, the outbreak of the H1N1 virus is of obvious concern, and I know you have been following the situation closely.

Can you give the subcommittee an update this morning on what your office is doing to prepare for the various contingencies in the event, although it may be abating now, that we have to deal with a more significant outbreak?

Dr. MONAHAN. Yes, Madam Chair.

Our office has the posture right now to assume the virus has unpredictable severity. We assume the maximum of severe cases, as does most of the Nation. We work closely with the Centers for Disease Control. I have independent experts, independent of the Executive branch, that advise us with regard to infectious events in the world, are virus experts, and help advise us on specific threats in managing our community here on Capitol Hill.

It has been my great privilege to work closely with the other House and Senate officers and have seen some really inspirational teamwork in putting together and executing the pre-prepared contingency plan we have for pandemic influenza. As you may know, about 2 years ago, a large working group at the Capitol devoted quite a bit of energy toward preparing for a potential avian influenza pandemic. This 2009 H1N1 threat, which we are now in, has served as a way to execute that plan and to flesh it out in more detail, to capitalize on its strengths, and to identify areas where we need to have continuous improvement.

It has been a very good experience for our working group, both in the House and Senate Sergeant at Arms Offices respectively, to optimize the campus response.

Presently, our state of operations here in the Capitol community is one of advanced preparedness, as it is in most of the Nation. We follow events very closely from the point of view of operating the facility with the tens of thousands of visitors every day, Member offices, the ongoing functions of our dining facilities and restaurants, our Page Residence Halls, our two high schools respectively. There has been quite a bit of a collaboration. We are now continuing to maintain that posture of readiness.

Ms. WASSERMAN SCHULTZ. Do you have the resources that you need in the event that it becomes a pandemic?

Dr. MONAHAN. Yes, we do.

Ms. WASSERMAN SCHULTZ. Good to know.

EMERGENCY PREPAREDNESS

Sergeant Livingood, in terms of the needs that you have, particularly with contingency plans in the event that we can't work from the regular Capitol facilities, do you have all the elements of an alternative site plan in the event that there is an outbreak?

Mr. LIVINGOOD. Yes. We have been working with the three House officers and the Senate on contingency plans nearby and further away, if we had to, to deal with that.

Ms. WASSERMAN SCHULTZ. Okay. Good.

Mr. LIVINGOOD. And we continue to look at this.

Ms. WASSERMAN SCHULTZ. Thank you.

ELECTRONIC VOTING SYSTEM

I am going to go to my questions for the Clerk. In the last 2 or 3 years, we have had a number of different problems with the voting system. So I am glad to see that we are taking the steps that I think are necessary to bring in a whole new system. How old is the current system that we are using?

Ms. MILLER. We started in 1976. This is Goldey Vansant, our chief of our Legislative Computer Operations, resident expert on this.

Ms. WASSERMAN SCHULTZ. Suffice it to say that technology has changed somewhat——

Ms. MILLER. Slightly.

Ms. WASSERMAN SCHULTZ [continuing]. Since 1976, when I was in fourth grade, just by way of example.

$6 million seems like a necessary expenditure. The other thing I am glad to see is that you are going to seek the input of the Membership because I am amazed at how little the voting system tells us when you walk in the Chamber. I know Members on both sides of the aisle use paper, which I am sure we would still use, to better explain what it is we are voting on. It is very difficult to discern, especially when you are running into the Chamber and trying to vote before the time expires, what you are voting on just by looking up at the summary boards.

Ms. MILLER. Madam Chair, I hear it literally every day as I go to the floor for votes. Some Member will walk up and say, When are you going to get this done?

What we are hoping to do on the summary boards, and there will be this new technology out there that we have been—Goldey and his shop have just been talking ad nauseam to different kinds of vendors. So we know that there is a three point and a six point. We think the four point is probably better, a little cheaper, a little crisper maybe in view. So what we are planning to do is to bring that technology to HC–5 on June 4th, and we will have the Members have an opportunity to come down and look at it. There are all kinds of bells and whistles. So on the summary boards, at least, we want to give more information.

We went to Annapolis a few weeks ago to see a demonstration that they are doing for the Maryland Legislature, which is just phenomenal. We went to Kansas in December to see some of the technologies that are out there that legislatures around the country and around the world are using. It is just absolutely phenomenal.

So once you get a chance to see what we can offer, it is a matter of you telling us what you want and what kind of bells and whistles, and we can get this done.

So the summary boards we are hoping to get done during the August recess.

Ms. WASSERMAN SCHULTZ. It would just be the summary boards.

Ms. MILLER. Just the summary boards. And then from that, from that decision—Goldey, correct me if I am wrong—we hope that the kind of technology that we would use for the larger displays would be the same.

Ms. WASSERMAN SCHULTZ. Can you do that, the summary boards, with no-year funds? Is that how you are planning on doing it?

Ms. MILLER. With the $500,000 that you have already given us. We can do that. The summary boards are being done, and we will have that ready, barring that you tell us something different.

Ms. WASSERMAN SCHULTZ. And the goal then is to change the summary boards over the holiday recess?

Ms. MILLER. Yes.

Ms. WASSERMAN SCHULTZ. And you anticipate you have enough time, given the system that you are looking at. Are you looking at a specific system, or are you still surveying?

Ms. MILLER. We have surveyed. We have pinned it down, but it really is the process of——

Ms. WASSERMAN SCHULTZ. Just tailoring it.

Ms. MILLER. To what you want.

Ms. WASSERMAN SCHULTZ. Will you have enough time by the time we come back into session in January to get it up and running?

Ms. MILLER. We believe so. If the decisions are made quickly enough, we can do it.

Ms. WASSERMAN SCHULTZ. Thank you. The Sergeant mentioned the new ID badge system. I assume that your offices are coordinating the effort?

Ms. MILLER. Yes. Because we produce the——

Ms. WASSERMAN SCHULTZ. Great.

Mr. Aderholt.

Mr. ADERHOLT. Thank you, Madam Chair.

Let us go back to the voting system. You mentioned in 1976 is when it was first implemented.

Ms. MILLER. Yes.

Mr. ADERHOLT. Is that when we first transferred it over to an electronic system? Prior to that were roll calls where all the Members were called?

Mr. VANSANT. That is correct.

Mr. ADERHOLT. Okay. So the board we see up there is the first?

Ms. MILLER. Thirty-three years old, yes.

HOUSE LIBRARY

Mr. ADERHOLT. You also mention in your testimony—you were talking about the House library. Please give us a little bit of overview about the modernization of that.

Ms. MILLER. Mr. Aderholt, in real practical terms, we don't have a library. I am charged with maintaining one. We have a room on the second floor of the Legislative Resource Center that is a library. It is basically now a storage facility. It has been moved around over the years, and so that is where we are.

So the idea is that we have our eye on some space, and so we are trying to work with the Architect and with the Leadership to see if we can acquire it. What we would like to do is not to reinvent what the Library of Congress is doing, but have a library that is digital, that has the transparency for our staff and for the Members on our legislative process. We have got all kinds of little things that we can do that will make it so much easier for staff and Members and the public that are looking for transparency of our legislative process.

So that is what we are trying to do, but we are at a standstill until we can figure out where we would put it and get the sign-off to get that done. But we have hired a first-rate—as a matter of fact, I guess, pilfered is not the word, but we borrowed——

Mr. HONDA. Liberated.

Ms. MILLER. Liberated. Perfect, Mr. Honda. She was the assistant librarian at George Mason University. She has her master's in library science, and she is a lawyer, so she understands what our needs are. And we have been talking with Mrs. Lofgren because she is very interested in what happens with the law library. So we are trying to combine this into a facility that will help not only our staff, but our leg counsel, Pope Barrow, and all these folks, with the kinds of resources that need to get the legislative work done as quickly and as efficiently as we possibly can. But we are kind of at a standstill until we get a sign-off on where we can do this so we can move forward.

BADGING SYSTEM

Mr. ADERHOLT. Sergeant Livingood, let me address this to you. You talked about the identification badge production system. Will this be for House staff members?

Mr. LIVINGOOD. Yes.

Mr. ADERHOLT. Are these the badges that you would see that they would wear?

Mr. LIVINGOOD. Replace that.

Mr. ADERHOLT. What are the advantages of the new system?

Mr. LIVINGOOD. It is faster technology. It is a little clearer technology. It is an upgrade of the equipment, and it makes it compatible with what we have now, what the Senate is doing, and what the Capitol Police are doing so we all have one type of system.

Mr. ADERHOLT. What is it that the Senate side, the Senate staffers' IDs do that the House doesn't?

Mr. LIVINGOOD. Well, you could put, if you need to, a smart card in there or chip in there to make it compatible with the district offices. Some of them have trouble getting into their buildings because they don't have capability to put a smart card in there. So we have had to work that out with each district, office by office, and the Senate has done that by going to this new system. Plus it makes it compatible if we ever need to to have the same type

of system—not the same system, but type of—that the executive branch has for access to other places if we ever had to.

And one big benefit: It would be much faster for us. And the second part of it is that you can do it online. We have never had that. We do not have that capability today.

Mr. ADERHOLT. I see.

Mr. KAELIN. The ability to include biometrics, if necessary, down the road. The technology has changed so much since 1996.

Mr. LIVINGOOD. We are just trying to catch up.

Mr. ADERHOLT. The current system was implemented in 1996?

Mr. LIVINGOOD. Yes.

ENTRANCE LINES

Mr. ADERHOLT. I am in the Longworth Building, and there was a line outside the Longworth Building, and if you had stretched it out, it would have been almost halfway to the Capitol. But I have noticed several times during the year that the lines going into Longworth have been extremely long. And I know a lot of the staff, of course, have to wait in those lines. But I notice there are several magnetometers in there, but it seems like only half of them are being used. What is the situation with that? Do you need some more resources to try to help alleviate that problem there?

Mr. LIVINGOOD. That is a good question. Thank you for asking that because that is a problem.

Yesterday and today there were lines out there going—I went over there this morning and saw humongous lines. As I did yesterday, I called the Chief again and told him to put more people out there and open up those second—the first thing we do, I told him, move people, if you can, to another door if it is open; I mean, if it is not backed up. Yesterday, ironically, almost every door was backed up, not just Longworth.

The second phase of that is to open the mags. They take supervisors sometimes and use them for that—for an hour or 2 hours to open those mags.

And thirdly, I sent people from my office this morning when I noticed it. They are over there now, two of them, walking around, telling staff to move up, you don't have to wait in line; telling the police, they have got big lines out here. They are supposed to be checking, too. I have pulled some of those people that were checking, put them on mags today, trying to speed it.

But we periodically do have this problem, and without calling people in, because you don't know day to day—unless you have an advanced notice there is going to be a huge group, then we can call people in. You have to take what you have existing and rearrange.

Mr. ADERHOLT. But you have those people available in case you do need to open up that second?

Mr. LIVINGOOD. They are not just waiting. I have to take people from other areas, yes.

Mr. ADERHOLT. But you have them where you can have access to them?

Mr. LIVINGOOD. Yes. But that is a serious problem, and I empathize with everybody on that. We thought of putting out—we did one time. We put out a message, an e-mail, to all the offices saying, staff, please go to the front of the line. But I got calls from

Members' offices saying they would rather not see that, and just do word of mouth for various reasons.

Mr. ADERHOLT. I will have a follow-up question on my next round.

Ms. WASSERMAN SCHULTZ. Mr. Honda.

EVACUATION PLAN

Mr. HONDA. Thank you very much.

Let me just say thank you to all of you for your services. Some of you spoil me, others pamper me, and some of you put up with me. But I appreciate all that.

To Mr. Livingood, thank you very much for the work you have done on the evacuation plan. We are looking forward to seeing that come to fruition.

Mr. LIVINGOOD. Mr. Honda, you were a help on that, too.

Mr. HONDA. We knew that you had some barriers, so you worked it.

BADGING SYSTEM CONTINUED

On the ID badge and the voting cards, why is it—are we moving towards where Members can have a voting card and a key to get into your offices and move around so that all our doors don't have to have the traditional keys, and it can be electronically keyed so that new Members come in, you can change the code and everything else? But you also can track the number of times folks come in and out of the offices after hours, and that these keys are also available to staff, but our voting card has biometrics that allows us to vote and also used as a key here and at the——

Mr. LIVINGOOD. You are right on the money, sir. What we are moving toward—if we can configure their voting systems so we can have a Member's ID card fit into that, but also it can be a prox card or a smart card. And eventually I want—we are doing some offices now. The problem is, quite frankly, funding. And it is not the highest priority. There are other priorities, but it is an important one. We will eventually, in my estimation, eventually have an electronic key for every office, and then we have some other areas that we are going to use those keys so that Members can have access.

Mr. HONDA. I would imagine that the question is utility other than just on the Hill. Like if we have biometrics, then staff can move through the line by just flashing a card. We can get through the line or vote with our biometrics. Using the airport, they have Clear cards, and they check our ID cards all the time.

Mr. LIVINGOOD. There is no limit to what we can do.

Mr. HONDA. At the Federal level, at least with the airlines, we should be able to——

Mr. LIVINGOOD. And it shows who you really are.

Mr. HONDA. In that line——

Mr. LIVINGOOD. I agree.

Mr. HONDA. If you would be looking at retinal research where the false negatives or false positives are almost zero, and the ability for us to keep records on who comes in and out even with visitors, it may reduce the lines, and it may allow us to move more

freely through the hallways in ways that feels like it is less restrictive, I guess.

Mr. LIVINGOOD. Yes, sir.

Mr. HONDA. Return back to the Hill a sense of this is your facility.

Mr. LIVINGOOD. Yes, sir.

Mr. HONDA. So perhaps in the near future we might be able to get us back.

Ms. MILLER. Madam Chairman, may I just add to that, since we produce the Member voting cards and ID cards, the combination, we always have a concern about security. In any given day, we can replace 10 to 15 Member cards——

Mr. VANSANT. Quite a few.

Ms. MILLER. So we understand the convenience, but it is the security of it, too, because that is your voting card and your ID card all rolled into one. And so we want you to be mindful of that because sometimes Members have a tendency to leave them.

Mr. HONDA. Yes, I know.

Mr. LIVINGOOD. I think if it was an ID card, they would watch it like a driver's license.

Mr. HONDA. But I think there are ways to have some security in there.

Ms. MILLER. There are. Yes.

FLU VACCINATIONS

Mr. HONDA. For the doc, thanks for everything you do. And at the avian flu time, I asked folks over at our cafeteria if the cafeteria workers were being immunized and being given flu shots, and they said no, because they are under contract. They are contractors. We have to push them really hard in order for them to be immunized because they handle our food. So is there a procedure now if anything like this happens, the first folks that should be hit are the food handlers and our staff.

Dr. MONAHAN. Well, sir, as vaccine is available on a seasonal basis, we will immunize anyone who bears a Capitol ID card. We don't ask who is a contractor, who isn't. If they have a regular campus access card, we will vaccinate them. We send our teams out to the night shifts, the pages, the day shifts, and others. We make our availability wide open to those groups to try to make the vaccine conveniently available——

Mr. HONDA. Those food handlers, do they have cards?

Mr. LIVINGOOD. Yes.

Mr. BEARD. They have a vendor ID. They would be eligible.

Mr. HONDA. Because there was a lot of resistance last time. It should be part of the contract, I guess, that these are the kinds of things that they are responsible for if they are going to handle food for our people.

Ms. WASSERMAN SCHULTZ. Thank you.

Mr. Cole.

STAFF BENEFITS

Mr. COLE. Thank you, Madam Chair.

I want to specify for the record, I was not in the fourth grade. I don't want to be any more precise than that.

But let me begin first, I just want to thank all of you for the terrific job you and your staffs do. We are wonderfully well served on the floor, and we are wonderfully well served in the facilities, and obviously we feel awfully secure. So thank you very much. You lead really very well, and you lead your excellent staffs very well.

I was particularly interested, Mr. Beard, in the point you made about the difference in benefit levels between some of our employees and the executive branch. If you would enlighten me a little bit, are House employees eligible for the same sorts of, let us say, educational benefits that our employees in our respective offices are eligible for?

Mr. BEARD. Yes. All employees of the House of Representatives are Title II employees. So whether they work in an office, or whether they work for the officers, committee or leadership, they are all Title II employees, and that means that their benefit package is determined by the House of Representatives itself.

Our pay system is even different than the Senate. The Senate employees are paid every 2 weeks. We are paid once a month. So we have different pay systems. And we have different benefit packages as House employees than the executive branch employees have. They have a lot more benefits than we have, and that is because for Title II employees the authorization is with the Committee on House Administration, and the Oversight Committee handles benefits for executive branch employees. So when a bill goes through providing a benefit to executive branch agency employees, generally their benefits aren't made available to legislative branch employees. So we are racing to catch up.

The kind of benefits that we have been trying to propose and get for House employees are fair. We are not asking for anything that executive branch employees currently don't get. That is the limit that we have placed on ourselves. For example, last year House employees could receive up to $6,000 for student loan repayment per year, but yet executive branch agencies got $10,000. So the subcommittee provided us the money to provide the additional money to provide up to $10,000 per year, and CHA changed their regulations to enable that. So now we are able to go ahead and do that.

And the two benefits we are proposing in here, one is the tuition reimbursement program, which is currently available to Library of Congress employees, AOC employees, Capitol Police and the executive branch. Our employees do not get it, we do not have that kind of a program. We would like to offer tuition reimbursement because so many of our employees are young people just starting out. What we want to try to do is have a benefit package that encourages people to stay, because if employees stay, it is in the best interest of the institution. Members are more effective, committees are more effective, the legislative process works better. A constant turnover is just very difficult.

Mr. COLE. So there is no difference between—and I hope there is not—between what our custodial employees get, for instance, and—well, actually I had a specific question about this from one of our custodial employees. And I just wanted to make sure he was eligible for everything that anybody else in my office would be eligible for.

Mr. BEARD. Assuming the custodial employee is not a contractor he or she is eligible. I also would add this caveat—and this is what makes things even more interesting—is that we have 441 Members, and each Member decides what his or her employees are paid and what kind of benefits they get in some cases. We also have 20 committees, and then you have the individual officers. The officers have coordinated to make sure that all of our benefit packages are the same, but then you will have a difference with the Architect of the Capitol and Capitol Police.

Mr. COLE. Thank you for working on trying to close that gap. You know, people are everything in any business. So I appreciate that.

Yield back, Madam Chair.

Ms. WASSERMAN SCHULTZ. Thank you very much, Mr. Cole.

Mr. Ryan.

Mr. RYAN. Thank you, and you guys are great.

BADGING SYSTEM CONTINUED

One, I wanted to follow up, Bill, on the question of losing the IDs. I mean, if we are losing that many congressional IDs, do we have situations where people are getting ahold of these and trying to——

Ms. MILLER. No. We kill them instantly. Not the person, but the card.

Ms. MILLER. When a Member asks for a new ID, it is one—whatever—we had one Member that had 25 cards. He found them, but they were all dead except for one of them.

Mr. RYAN. Have we had a situation where somebody gets ahold of a card and tries to use it as an ID at some——

Ms. MILLER. Not that I am aware.

Mr. LIVINGOOD. We have not heard of that.

Ms. MILLER. No.

Mr. RYAN. That is interesting.

Ms. MILLER. It has got your picture on it, and it is a little—unless you kind of look like Tim Ryan, it is a little hard to——

Mr. RYAN. I don't wish that on anybody.

STAFF BENEFITS CONTINUED

Just a little bit on the benefits package. I know you were talking about tuition reimbursement. Are there any other things that you are looking at as far as benefits go for the staff that maybe are on the back burner?

Mr. BEARD. Well, yes. We are looking at a number of things. One is the student loan repayment program has been raised from $6,000 to $10,000 per year, per employee, which is very popular, and because it is centrally administrated, it is easier to divide.

With the support of the Chair, we have proposed a low-wage child care assistance program, and we are asking for funding in that as well. This will be run by GSA and will provide assistance to our low-wage workers for child care. And that will be a benefit that is available both here in Washington as well as district offices. And I think that is very important, particularly for our low-wage workers. If you are a single mother with two kids, and you have

got to find day care, and you are making $50,000 a year, it is tough.

We are increasing our transit benefit package from $120 to $230 a month. Now, that increase was provided in the stimulus bill. And then there's parking benefits. What we are trying to do is initiate a program where if you park in a commuter parking lot either in a district office or here, you can receive assistance for parking. That is to act as an encouragement to get employees to take Metro. Here in Washington we have the unique situation of providing free parking to every employee who wants it. It is kind of a third rail of employee benefits. We can't get rid of it, but you can sure encourage people to take another route.

The other thing that we have been investigating to try to figure out how to do is a disability program. We have no short-term or long-term disability program for our employees. The only long-term disability program we have is to retire, and that just isn't acceptable with a modern workforce. You know, the key is how do you finance it, and what kind of a package of benefits can you provide? But if we could just bring ourselves up to parity with other legislative branch agencies, I would feel better. I hope for us to work to match the benefits made available to executive branch agencies.

GARAGE PARKING

Mr. RYAN. Two more quick questions. One, you brought up parking. I notice a lot of times in the garage there are cars that have been sitting there for—they have got dust on them, you know. I mean, like, people are writing with their finger "wash me" on their car. It has been in there. What is the process for people to be allowed to leave——

Mr. LIVINGOOD. The process is you must move your car every 30 days. We have parking security going around looking at those spots where people have left them more than that. We send them a letter, and we send a second, and then the third time, if it is still there, it goes to the Committee on House Administration for them. And then sometimes I even call the owner of that vehicle and tell them; I suggest they move it before someone else—

Mr. RYAN. We will talk after this hearing. I have a couple suggestions.

Mr. LIVINGOOD [continuing]. Before someone else moves it.

Mr. BEARD. We will find the offending Member and point them out to you.

Mr. RYAN. I want to know who it is, too.

ENERGY DEMONSTRATION PROJECTS

Lastly, on the demonstration projects, can you talk a little bit more about that? Is it just going to be that you have, for example, solar panels, different ones? I mean, how are you going to proceed?

Mr. BEARD. What we did is we have put out a call for procurement proposals.

Mr. RYAN. These will all actually be providing energy for the Capitol?

Mr. BEARD. Yes. Well, energy or energy-efficient technology. And the purpose here is the one advantage we have as a institution we can set an example. And this is a way in which we can bring in

and demonstrate some new technology that can be integrated with an office environment that we have here and help promote the development of green technologies.

We put out a call for proposals. We have received 40 proposals. We now have a technical team going through them to evaluate each one of them for their merits and what it is they demonstrate, their feasibility. And then we have requested funds to initiate the program this year. And we will wait to see how much money we have and then make the awards for the various projects.

For example, we have had interesting proposals to use skylights in the Longworth cafeteria and LED lighting, both of which would significantly reduce our lighting costs in the Longworth cafeteria. Solar lighting and LED lighting at the loading docks in Rayburn.

So there is a wide variety of proposals. I can't really speak to the individual ones because we haven't selected them yet. So they are still in the procurement process.

Mr. RYAN. Thank you.

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

Mr. LaTourette.

Mr. LATOURETTE. Thank you, Madam Chair.

I just want to be clear for the record, Ryan, Timmy, I will move my car.

Mr. RYAN. I didn't mean to make it public, but—I just don't want it to happen again.

ELECTRONIC VOTING SYSTEM CONTINUED

Mr. LATOURETTE. I recognized your handwriting in the dust. Those are Ryan's fingerprints all over my car.

I want to thank you all for your service, and, Madam Clerk, especially to you. Sadly, I probably know more about the Electronic Voting System than I probably should as a result of our special committee.

Ms. MILLER. It is a good thing.

Mr. LATOURETTE. It is a good thing.

Madam Chair, I might recommend that the Clerk gives a great demonstration about how the system works. And aside from the information that you were talking about, I would bet that less than 10 percent of the Members know how the machine really works. And I think it is important. And the only observation I would make is that as you—and I know you will because of your dedication and commitment to getting it right—that the bells and whistles not impact the integrity of the system. Because the one thing about the Electronic Voting System that I learned is that every Member should have confidence that their vote is counted, and it is counted correctly. And, Madam Chair, I don't know if you are a nervous voter like I am, but it not only records when you vote, but it records each time you put in your card to check your vote, and it is listed what time you did that.

Ms. MILLER. There are 46 voting stations on the Floor, and if you vote in station number 1 and decide to check it in station 21, we know it, what time you do it and how long it took you to check it.

Mr. LATOURETTE. It is a fascinating system. And I think 1976—I would say to my colleague from Ohio, I believe there is a fellow who played quarterback for the Cleveland Browns named Frank

Ryan, who, when he retired, got a Ph.D. in mathematics, came and worked for the House Admin and helped install the Electronic Voting System. He was the better Ryan from Ohio.

BADGING SYSTEM CONTINUED

Mr. RYAN. He was a Republican; is that what you mean?

Mr. LATOURETTE. I don't know if he was a Republican.

Mr. Livingood, the discussion of biometrics. I am a big believer of biometrics. As I understand your upgrade, the new IDs will be biometric. It will be an add-on down the road, and it is not going to be included in what you currently——

Mr. LIVINGOOD. That is correct. It could be added on, which we don't have the capability today.

Mr. LATOURETTE. I think that the people who make the magnetometers that are all over here, it is an Italian company, and they had a demonstration where you can walk through with the biometrics and the card. The officer can see that it is you; that you are, you know, 5–11, 210 pounds; that you have blonde hair. And maybe that goes to Mr. Aderholt's difficulty with the lines. You know, they now have these Clear systems at airports if you are prescreened, and perhaps we could have a staff line, and they could go through with their biometric card, and that may help you reduce things, too. Have you explored the cost as you are adding on?

Mr. LIVINGOOD. We have looked at adding on with the smart card part, and biometrics would do that. It depends on how many we use and which ones. And we have been experimenting with various—for some time.

Mr. LATOURETTE. Is it significant, the cost?

Mr. LIVINGOOD. I don't think it is that——

Mr. KAELIN. The actual cost of the cards themselves are significantly more expensive than what we pay now for the cards we use. And the rate of turnover—we reissue every card every 2 years—we will have to modify it, buy much more expensive cards. We will have to modify that process as well.

Mr. LATOURETTE. When you are not busy, if someone could price it out, I would be interested in knowing how much it would cost for giving every staff member a biometric card.

Ms. WASSERMAN SCHULTZ. If you could do that.

Mr. LATOURETTE. Madam Speaker, on the issue of the fellow with 25 lost cards, I saw a former Member here with a beautiful set of cufflinks that looked like the congressional pin. And he said he had them made every Congress. And I said, well, how do you do that? He said, I always go to the Clerk and pretend I have lost my pin, and then I have two at the end of Congress.

Ms. MILLER. I don't do the Member pin. That comes from the Sergeant at Arms.

Mr. LATOURETTE. I am telling you, there is a black market operation in Congress.

Mr. HONDA. They make great tie clips.

Mr. RYAN. I saw a pair of those cufflinks on that car, you know.

Mr. LATOURETTE. Oh, boy.

HEARING ROOM MODERNIZATION

Just the last question, if I may, to you, Mr. Beard, on modernizing the hearing rooms, $10.2 million. Will that complete the last six committees?

Mr. BEARD. It will complete the last six committees. But then, of course, all the committee Chairs will come back and say they need to have their subcommittee hearing rooms done, and there is about 29 of those. But the important thing, I think, for the Members, is every committee will have an up-to-date system, which is then fed into the House recording studio where we can preserve the record and then make it available to Members who want to clip it and put it up on YouTube or whatever else they want to do with them.

Mr. LATOURETTE. And do you give the committees the room that they ask for? Does the Chairman say, this is what I want, and you build it? Let me ask you why. I used to be on the T&I committee. In front of me there was a plug that I could have plugged in like a toaster and something else, and then there was a phone jack. I don't ever remember taking my phone to—so did Don Young say, I have got to have a phone jack and a plug at every station, or did——

Mr. BEARD. No. What we do with the individual committees is a negotiation process with the committee Chair. And when they tend to go off in a very expensive direction, we tend to try to pull them back. It is a negotiation process because the cost generally is somewhere between $800,000 and $1 million for each room that we do. And now new technology is coming out, so everybody wants the latest.

Mr. LATOURETTE. Thank you.

Thank you, Madam Chair.

Ms. WASSERMAN SCHULTZ. You are welcome.

I sense from reviewing weekly reports that there is a negotiation that the CAO engages in. I have seen commentary wherein the ideas of the committee Chairs come in far more expensive than was anticipated, and although I don't see the give-and-take, you can tell that when it is being reevaluated, that perhaps the plans were too ambitious on the part of some Chairs. So thank you.

CAO RESPONSIVENESS

I wanted to ask you about a couple of things on which we have gotten consistent feedback from Members. Do you have a standing procedure for meeting with Members and their staff, and for knowing how well you are serving their needs? I am not just talking about First Call. I am talking about your general responsiveness when a Member or their staff seeks assistance.

Mr. BEARD. Yes. Any request that comes from a Member to meet, we meet with them immediately. And we respond to all requests. They are our customers.

Ms. WASSERMAN SCHULTZ. Do you have a feedback system in place? Do you measure how Members are feeling about the responsiveness of the CAO's office?

Mr. BEARD. We do have feedback. We do have feedback systems. Maybe if I knew the particular issue, I could address it.

Ms. WASSERMAN SCHULTZ. Well it is not one, it is many; otherwise I wouldn't be asking the question.

Mr. BEARD. Well, what I would say is there are times when we have to say no to people, and many times Members don't like the no answer.

Ms. WASSERMAN SCHULTZ. For example, do you meet with the Chiefs of Staffs regularly so that you are getting their input on a consistent basis? And are you responsive to requests?

Mr. BEARD. We meet with the office administrators and bipartisan Chiefs of Staff organization, yes.

Ms. WASSERMAN SCHULTZ. How often?

Mr. BEARD. They met 2 weeks ago. They meet once a month.

Ms. WASSERMAN SCHULTZ. And you are there?

Mr. BEARD. I haven't been to that one, but I have been to the other Chiefs of Staff meetings.

Ms. WASSERMAN SCHULTZ. Okay. When you are developing your strategic planning process, are you incorporating anything related to outreach and feedback practices on the part of your office?

Mr. BEARD. Yes. Well, we have developed that, submitted it to the committee, and a number one priority that we have is to make sure that we reach out to the Members. Now we have HouseNet, we have electronic communications that we send.

Ms. WASSERMAN SCHULTZ. Right. I am talking about face-to-face, contact and feedback and the opportunity for input on the part of senior staff and Members' offices.

Mr. BEARD. Well, all I can say is that we meet on a regular basis with anybody who would like to meet.

Ms. WASSERMAN SCHULTZ. How often is regularly? Is it every 2 weeks, once a month, every quarter?

Mr. BEARD. I guess I can't put it into those words.

Ms. WASSERMAN SCHULTZ. Because it is not regular or because——

Mr. BEARD. I mean, the Chiefs of Staff meet, and they have issues they want to discuss with the CAO's office. We send representatives. We send representatives from payroll and finance and try to address those issues. But once again, there are times when we have to go to those meetings, and we tell people things they may not want to hear, or we don't give them the answer that they want, and that sometimes is where the rub occurs, that they don't like the answer that they are receiving.

One example was a training contract. Now, I had questions about the training contract and the procurement process that was used for that training contract, and the Chiefs of Staff wanted us to award that contract. Well, I wasn't going to award the contract until I was satisfied that the procurement process was above board. So that was a rub.

Ms. WASSERMAN SCHULTZ. Okay. I would like to facilitate a meeting and ensure that the meeting happens with the head of the Chiefs of Staff association, because the feedback we are getting is that the Chiefs of Staff too often are reading about decisions that your office has made in Roll Call as opposed to getting advanced notice about them. It obviously makes it more difficult for a Member's office to function if they are hearing about policy changes that way. Since there isn't a clear understanding on your part, then

there seems to be a lack of communication. If we facilitate a face to face meeting, we can ensure that would happen.

PAYROLL AND FINANCE OPERATIONS

The other issue that I have I can tell you that I have gotten calls and written communications in my own office—is the problems that your office appears to be having with the payroll and finance operations. You have a very high turnover in that office, as I understand. What seems to be the problem with that particular——

Mr. BEARD. Well, I would split those in two. I think what you are talking about is the finance office. We did have problems with payroll.

Ms. WASSERMAN SCHULTZ. I know. I participated in meetings related to that.

Mr. BEARD. We think we have corrected the problems in the payroll office by changing personnel, moving people to other parts of the organization, bringing new people in.

The new challenge we have now is in the finance area. We have had four vacancies that have occurred. And so yesterday we brought in a new manager for the group, and we are proceeding to undertake a series of changes in our personnel, the way in which we are allocating the work and undertaking the work.

Ms. WASSERMAN SCHULTZ. Do you feel you have a system in place that makes your employees feel that you are responsive to them and their concerns?

Mr. BEARD. I do, but I don't think that we have had as strong a leadership in those areas that we really need to have, it needs both management and leadership.

I think the other thing you have to understand here is that the individual finance clerks and payroll clerks develop a relationship with an individual office, and we will say to the office, you know, I may not like this, or I don't like this, or this is happening to me, at which point the office says, well, we will go to bat for you and jump in. So I am sort of leading sort of a two-part war here; not war, but conversation between different groups in the finance area.

Ms. WASSERMAN SCHULTZ. My time has expired, but I think it is imperative—and, again, I am raising this because it has been consistent feedback that I have gotten in my own office about the things that are occurring in yours—that you have a policy and a work environment in which employees feel that they can bring concerns and get them addressed. If you are acknowledging that you don't think that process in your office is very strong, then that is something that I would like to assign you to develop and report back to the committee. How long do you think you need to report back to the committee?

Mr. BEARD. Ninety days.

Ms. WASSERMAN SCHULTZ. Ninety days is too long.

Mr. BEARD. Sixty days then.

Ms. WASSERMAN SCHULTZ. We will come up with an appropriate date for you to follow up with the committee when you have gotten that system in place.

Mr. BEARD. Okay.

Ms. WASSERMAN SCHULTZ. Thank you.

Mr. Aderholt.

Mr. ADERHOLT. Let me just follow back up with Mr. Livingood. As my time had run out a little bit earlier, you mentioned the fact that you had instituted a policy where the Members can come into the front of the lines in the building.

Mr. LIVINGOOD. Staff. Members can always.

Mr. ADERHOLT. Staff for the Members could come to the front of the line, but you had some push-back from some Members; what about establishing a dedicated door for the staffers?

Mr. LIVINGOOD. We have looked at that in the past, dedicated door for staffers, but sometimes, like when you have a lot of tourists, there are only four or five staff that want to come in, and they are the ones that are at the back of the line. But it is sort of a waste of personnel. You have to have your bag still and X-ray, so you are cutting another door down for visitors.

We instituted several years ago, one of the committees asked us to institute a visitors door for a month, and we tried that. We did one at every building. So what that did was put a heavier load on the other doors for visitors.

So we are constant. We talk about it quite often. It is not beyond our realm to look at that again.

Mr. ADERHOLT. You said you wanted to get back with the Capitol Police. Maybe you could get back with the committee on some recommendations that you all—after talking to Capitol Police and Sergeant over there as to some alternatives that could help out.

Like I said, that is one thing that I have probably heard the most about is the long lines, and also coupled with the fact—I know sometimes you will have an influx, and yesterday was sort of a weird day with the three heads of state that were here and a lot of visitors. But generally speaking, it seems like there has been some consistency in the Longworth Building. So I would appreciate your looking at that.

Mr. LIVINGOOD. You bet. I would be happy.

Mr. ADERHOLT. Also, I want to thank you for your work on the—I know we sometimes have a special request for groups that come in that have to get a special permit to do things that are out of the norm. So I appreciate your office working with Members on trying to help facilitate that. Just yesterday, we had—out at the Botanical Gardens we had the Brain Tumor Foundation mobile unit doing brain scans/MRIs for the last 2 days, and I know that is not something normally you have on the Capitol grounds, and it takes somebody special to look at that. And I appreciate your going the extra mile to look at that, because it was a great success. I was down there yesterday for the event by the Botanical Gardens, and they had a tremendous turnout from Members and staff, to my understanding.

But again, thank you for taking the time to look at that and say, this is something legitimate. This is something that needs to be looked at.

Mr. LIVINGOOD. That is our purpose. That is what we should be doing.

Mr. ADERHOLT. I appreciate you paying attention to those things.

Mr. Beard, let me ask you. I think in your request is $10 million for the energy conservation projects. What are some of the things that are going to be involved with that $10 million that is requested?

Mr. BEARD. Well, this is specifically for demonstration projects of innovative energy, for energy conservation technology, as well as to demonstrate innovative approaches to providing electricity, and also to the operation of our existing systems. For example, one of the proposals we have received is for a wireless technology to monitor and to improve controls for heating and cooling, which will reduce energy consumption and provide greater flexibility. So we have a wide range of technologies.

The purpose of this was to provide a location, for the House to be a location for innovative technologies, to demonstrate it and to demonstrate that these technologies can meet energy and conservation needs in a working environment.

Mr. ADERHOLT. You talk about the lighting like in the Longworth cafeteria.

Mr. BEARD. Yes.

Mr. ADERHOLT. You mentioned the skylighting.

Mr. BEARD. I did.

Mr. ADERHOLT. Of course, being in the location where it is, I guess it would be more difficult to do skylighting for the basement of buildings.

Mr. BEARD. Well, actually in the Longworth cafeteria, that was a courtyard at one time, and a roof was put over it, and that is where the cafeteria came from.

Mr. ADERHOLT. So it could be——

Mr. BEARD. We are working with the House Superintendent to look at the possibility of a green roof on top of that, which would reduce energy costs and heating in that area; a green roof as well as harvesting sunlight, which would then eliminate or significantly reduce the need for artificial lighting, and the lighting that we would put in there would be energy-efficient lighting.

Ms. WASSERMAN SCHULTZ. Would the gentleman yield for a second?

Mr. ADERHOLT. Sure.

Ms. WASSERMAN SCHULTZ. This proposal is to fulfill the requirements of the Wamp-Lofgren bill, correct?

Mr. BEARD. Yes, it is.

Ms. WASSERMAN SCHULTZ. I just wanted to make sure. Thank you.

Mr. ADERHOLT. I know also there are $17 million that are included in the Architect of the Capitol for doing similar things. I am just wondering how those compare to each other, what your $10 million request is and their $17 million for the Architect of the Capitol, and how they are different in that respect.

Mr. BEARD. Well, I can't speak to the Architect's request since I haven't seen those particular items, but ours is a demonstration project. More than anything, what we are doing is taking technology that may not be totally within the marketplace and providing an opportunity for the companies to demonstrate their abil-

ity to meet needs in the marketplace. And so I guess if you would try to differentiate between the two, ours is a—I don't want to use a higher-risk phrase, but at least it is more—trying to use more innovative technologies and approaches to dealing with these problems.

Mr. ADERHOLT. But just to follow up on what you mentioned, you are saying that you are not sure exactly the details of what the Architect will be doing?

Maybe, Chair, if I may just suggest some cooperation and coordination between the Architect and the Chief Administrative Officer as to things that maybe are duplicative efforts there that could be——

Ms. WASSERMAN SCHULTZ. That has actually been something that I have been concerned about since the beginning, and I think there is duplication of effort in which we can sort out which one would be solely responsible for particular items.

Mr. ADERHOLT. It would just make sense that they just work together because they are both working toward the same goal.

Ms. WASSERMAN SCHULTZ. Mr. Beard and I have talked about that at a different time. Thank you very much.

Mr. Honda.

Mr. HONDA. Thank you.

HOUSE COMPENSATION SURVEY

To Mr. Beard, I just want to thank you for your meeting that we had March 18 where we got a couple of things cleared up. You explained to Congresswoman Davis and myself the dynamics behind the cancellation of the House Compensation Survey, which is being reinstituted. It is a great tool that our Chiefs of Staff use for planning, so I really appreciate that; and reinstituted some of the many service courses for our staff. That helps provide us training throughout the Capitol. And also the Diversity Day, the Track Caucus that we are looking at. We are very grateful for that information. So I just want to acknowledge that.

Mr. BEARD. Thank you.

PAGE PROGRAM

Mr. HONDA. To the pages, I am glad that you are looking at expanding some of the areas that they may be used in committee work and things like that. Has that ever been done before where a new crop of youngsters come in that come before the House and just sort of welcome them and, before they leave, thank them?

Ms. MILLER. That has been done on a couple of occasions, once since I have been Clerk. It rarely happens. It is something we could do, but it is always an impediment to the Floor schedule, and you have to find the right time. We could probably do that.

Mr. HONDA. It could just take a minute or two to have them stand up and us recognize them, because they spend a lot of time.

Ms. MILLER. Mr. Kildee, who is our current Chair, I will mention it to him and see if we can work that out.

Mr. HONDA. Because they love what they are doing.

Ms. MILLER. Yes, they do.

Mr. HONDA. And they have a lot of fun watching us.

Ms. MILLER. Well, they learn a lot. The young people had their U.N. project about 3 weeks ago. You would be surprised at how they mimic what the Members do on the Floor. Some of them were taking your——

Mr. HONDA. Oh.

Ms. MILLER. They take your positions, and they would say to us, Oh, this is what Congressman so-and-so thinks about this, and this is the position. So they really do pay attention to what the Members are doing on the Floor.

Mr. HONDA. Just to say thank you and welcome. It is just a matter of a couple minutes and just an acknowledgement.

Ms. MILLER. Yes, sir.

Mr. HONDA. I think it is appropriate.

And then the courses that they take. I understand it is pretty rigorous.

Ms. MILLER. Yes.

Mr. HONDA. Are they also getting the kinds of instructions that we talk about in our committees where it is comprehensive instruction on, say, global warming, curriculum around that?

Ms. MILLER. You would be surprised at the number of Members that take the time to come over. We have an energy course, and some Members from the Energy and Commerce Committee have come over and given little seminars in the morning to the Pages in their general assembly. So we integrate a lot of the Members in the curriculum, particularly when it dovetails with what they are studying and what is going on in the Congress. We take advantage of that, yes.

Mr. HONDA. Thank you very much.

Ms. WASSERMAN SCHULTZ. Thank you very much.

PRICES IN HOUSE CAFETERIAS

Mr. Beard, I want to go over something very personal to most House employees and people who are in the Capitol every day, and that is food.

Most complaints that I hear, and I know Members hear from their staff and others, are concerns over the House cafeterias. We discussed this last year. Compared to last year, it seems to have gotten worse, at least in the feedback I have been consistently getting, particularly regarding the prices. Your staff provided some historical information on the cost issue that showed that the average check in the cafeteria increased by about 31 percent between January of 2007 and January of 2009. For example, the average cafeteria check in 2007 was $3.62, and the average in 2009 was $4.74.

We also did some of our own research. For the three bidders for the food service contracts in 2006 that were asked to bid on the price of a Reuben sandwich, which was the example used for quality and pricing, the RA bid showed a cost of $5.50 compared to $4.50 and $4.75. Last week Restaurant Associates charged $6.25 for a Reuben sandwich in the Rayburn deli. By comparison, that same sandwich sells today for $4.75 in the Star Deli in downtown Manhattan.

That is pretty clear evidence of outrageous prices for the food here. And our staff are all public servants dealing with a salary in

which, you know, their costs to feed themselves during the day multiple times, sometimes breakfast, lunch, and dinner because of the hours they work, is important. And, I mean, a 30 percent increase is really over the top.

Do you have an explanation for that? Is there any way to work on that issue? It seems that the prices have gone beyond what we anticipated.

Mr. BEARD. I don't think they are beyond what we anticipated. A number of things have occurred during the period that you cited. As we provided the information to the committee, the Consumer Price Index for foodstuffs has gone up. You know, the highest increase in the last 20 years took place in the last 2 years, and in some cases it is for the basic ingredients, eggs, fat. They had fuel charges imposed on them as well. So as a result, instead of having a 2 or 3 percent increase in food prices, in some cases it was 14 percent. I guess you could pick out individual items like a Reuben sandwich, but there are still other items.

Ms. WASSERMAN SCHULTZ. Well, I just picked that because that is the item that we used to bid the contract.

Mr. BEARD. I am sure. But what I would say is that, the kind of conditions that we impose on our vendor for this service and our clientele imposes on them is costly when we ask for better quality; we ask for nutritious meals; we ask for fresh food; we ask for made-from-scratch. We want local food. We want union staff. We want commissions to come to the House. We want a touch-and-go system that provides a 10 percent discount for Members, which we have provided. We have very onerous security requirements, an example is that you can't really get a truck to just drive up here. It takes at least a half a day turnaround time for that. And we also have a clientele that I think is not shy about—voicing their opinions.

Ms. WASSERMAN SCHULTZ. I understand all that. But was a 30 percent increase anticipated when we gave Restaurant Associates the contract?

Mr. BEARD. No, but a 30 percent increase didn't happen with all costs. In some cases, it may have gone up 30 percent, but in other cases, it hasn't gone up 30 percent.

Ms. WASSERMAN SCHULTZ. That is the average, though. The average is 30 percent.

Mr. BEARD. Did we anticipate that? No, we did not.

Ms. WASSERMAN SCHULTZ. Why not?

Mr. BEARD. Why not? I mean, I don't think anybody could have anticipated in 2005 or 2006 that food prices were going to increase to the degree they have in 2007 and 2008.

Ms. WASSERMAN SCHULTZ. Okay. But I don't think it is fair to our employees to expect them to sustain that type of an increase in the cost of food that they have to pay for every day. Is there anything that can be done about it?

Mr. BEARD. Yes.

Ms. WASSERMAN SCHULTZ. What?

Mr. BEARD. We can subsidize it. The simple answer is that we can subsidize the operation. Remember that the directive to us is that we are to make commissions.

Ms. WASSERMAN SCHULTZ. Speaking of the commission, we make a 3 percent commission. Is that part of the cost?

Mr. BEARD. In one portion of it, yes.

Ms. WASSERMAN SCHULTZ. That is double the historic commission and double that of the other bidders. How much money was paid to the House in commissions last year and how are those funds being used?

Mr. BEARD. Approximately $1.1 million was made in 2008, but we invested that back into improvements in the cafeteria, greening costs associated with that, and some of those other items. That goes into the House Services Revolving Account, and we then made those funds available for improvements in the cafeteria.

We are operating, under the previous contract and, the commissions were about $299,000 a year. So the short answer is, yes, we can reduce food prices, but what it would take is a reversal of our directive.

Ms. WASSERMAN SCHULTZ. The only solution is subsidies?

Mr. BEARD. I don't know. You have a private-sector vendor, and I suppose we could order them to reduce the costs, but then that would decrease the revenue, which would then lead to changes, and they would have to cut costs as well.

Ms. WASSERMAN SCHULTZ. Okay. I will come back to you on that.

CVC CAFETERIA

Ms. WASSERMAN SCHULTZ. On the CVC cafeteria, we were hopeful last year and in this hearing you expressed the goal of the CVC cafeteria reducing traffic in the House cafeteria system. From what I have observed and from the feedback that we have gotten, I don't think that the CVC cafeteria had any impact at all. That is very likely because the policy in place at the CVC cafeteria is to discourage House staff from going there. I started using the CVC cafeteria and found that the House touch-and-go system isn't in place there. I don't really understand why that is. When I asked I was told they don't want Capitol staff going over there. Why is that?

Mr. BEARD. I think the first answer is, you would have to ask the Architect, who is in control of that cafeteria. But the answer is it is a joint facility run jointly with the Senate. So all the decisions would have to be made with the Senate. The Senate doesn't have the touch-and-go system that we have. And the reason it hasn't decreased the traffic into our restaurants is our restaurants are less expensive than the prices in the CVC cafeteria.

Ms. WASSERMAN SCHULTZ. I know that.

Mr. BEARD. So, as a result, many people are encouraging tourists to go over to the Longworth cafeteria Cannon Cafe or the Rayburn. But the CVC restaurant is a facility run and operated by the Architect, not by the House.

Ms. WASSERMAN SCHULTZ. The contractor is Restaurant Associates there as well.

Mr. BEARD. It is the same contractor.

FAIR TRADE COFFEE BRAND

Ms. WASSERMAN SCHULTZ. Lastly, what is the status of the fair trade coffee company that we use? I don't drink coffee, but the concern that I have heard expressed is that we have a very small ven-

dor that we are using for the fair trade coffee. There are many fair trade vendors that we could use that are larger, that have more employees. There have been a lot of complaints about this. Are you looking into those? What is the status of that?

Mr. BEARD. No, but I can. The company is Pura Vida Coffee out of Seattle, and it is a fair trade coffee company. It is a nonprofit in that the profits from the company are made available to the coffee growers.

Ms. WASSERMAN SCHULTZ. This is an issue that Mr. Lewis raised last year. It appears to still be a problem.

Mr. BEARD. In the selection of Pura Vida, what we did was layout the requirements that we wanted fair trade coffee, invited multiple vendors, and then we invited the House community to a taste off. We certainly can do that again. We can have employees come and taste the coffee and vote for their selection.

Ms. WASSERMAN SCHULTZ. I don't know if the opinion is universal. I just know that I have heard some feedback about it. That is all I have.

TRAINING STAFF RELOCATION

Mr. ADERHOLT. Let me mention one thing about the House training staff. We understand that there has been movement of the training staff from the Learning Center in the Longworth Building to the Ford Office Building. And I think someone from your office has said that it was decided that the Greening of the Capitol needed to be in a more visible position being in Longworth. And there were some concerns maybe there was a higher priority put on the Greening of the Capitol program than the professional development training for congressional staff. I just wanted to ask you about that, and were those offices moved over to the Ford Building? And what was the reason behind that?

Mr. BEARD. The primary reason behind it is that we have expanded our Green the Capitol staff. We need more space. We want to make sure that they were in the ring around the Longworth cafeteria; it is not necessary for the training staff to be outside the Longworth cafeteria. We have the space in the Ford Building and we have the facilities to be able to do that. It made sense to move some classroom space over, and then also move some of the staff over to the Ford Building where we already handle some of our training.

Mr. ADERHOLT. So the Greening of the Capitol staff is located near the cafeteria, is that what you are saying?

Mr. BEARD. They are currently in B208—when you come up out of the Rayburn Building on the escalators and come out of the Longworth elevators, there is a room just to your left and that is where they currently are located. But they are piled inside there, and we think they don't have enough space; they don't have sufficient space for their needs.

Mr. ADERHOLT. I guess the question, is it necessary that they have to be in that location and moving the professional training folks out of there?

Mr. BEARD. Yes. I feel that they should be located there. Because I think that, you know, the question here was, I guess your question was, is it necessary to give them higher visibility? And my an-

swer to that would be yes. This is a high-priority program for the Speaker, and it is something that she has been very interested in accomplishing and promoting. I think that it makes sense to assist effort that by having the staff located in a central location and a very visible location.

Mr. ADERHOLT. Is it more important than the professional training development office? Has the Speaker put a priority on Greening over the professional training?

Mr. BEARD. You would have to ask the Speaker what her views are. As far as I am concerned, it makes more sense to have the trainers in the Ford Building where they are needed, and people can easily access them. Of the 670 people who work for me, probably only about 100 are located up campus. The remainder are in the Ford Building. It has good facilities and ample room.

And you know, this is a typical problem that we have with space. Our finance people, for example, are crammed into two different locations. It would be great if we could co-locate them. I just can't find the space to do that right now.

Mr. ADERHOLT. So I guess it is just sort of a decision whether you put the professional development training staff in the Ford Building or the Greening, and you just made the decision to put the Greening staff in the Longworth.

RESTAURANT ASSOCIATES

Does the same—going back to the restaurant food issue. Do the restaurant people who handle the contracts for inside the Longworth Building, do they also handle the Members' dining room and buffet and all that? Is that all the same company?

Mr. BEARD. Yes, all the catering.

Mr. ADERHOLT. Is under one company?

Mr. BEARD. One company.

Mr. ADERHOLT. Because I have noticed the difference in the prices with the—I was down in the Capitol Visitor Center a few days ago and was a little bit shocked about the prices of some of the food in the Capitol Visitor Center. It is almost—but it was unbelievable.

Ms. WASSERMAN SCHULTZ. Mr. Aderholt, I can tell you that the response I got originally about the difference; it is a separate contract but the same vendor. And Ms. Rouse's answer was that the prices there are supposed to be competitive with other museum cafeterias, like the Smithsonian. Only at those cafeterias, there is choice whereas in the CVC, there isn't.

Mr. ADERHOLT. Okay.

And then another thing, does the contractor that you deal with—and it is this restaurant association——

Ms. WASSERMAN SCHULTZ. Restaurant Associates, yes.

Mr. ADERHOLT. Restaurant Associates, do they provide the eating utensils and things, forks and spoons?

Mr. BEARD. It is a cost of doing business.

Mr. ADERHOLT. I am just saying, do they provide that, or does the House provide that?

Mr. BEARD. We consult with them on which utensils are to be purchased, and then they just purchase it.

Mr. ADERHOLT. The reason I mention that, I have not personally experienced, but as far as the utensils, not holding up as far as melting and liquids and things like that.

Ms. WASSERMAN SCHULTZ. They are biodegradable.

Mr. ADERHOLT. That is all I have.

Ms. Wasserman Schultz.

GREENING THE CAPITOL

I have one more question. I am very supportive of the Greening of the Capitol initiative, but I hope we have a process in place in which we are evaluating which pieces of it are working and which aren't, so that we can phase out the ones that aren't.

On the bike-sharing program, from what I understand, there are only three or four bikes being checked out right now every week, and you are asking for $200,000 for that program. Have you evaluated whether there are problems with that program or whether that is something in the greening program that we should phase out?

Mr. BEARD. Well, we evaluated the program, did an analysis and presented it to the Committee on House Administration in December. The original money that we reprogrammed to undertake this was a pilot project, and we sought to do it.

We now have 180 members. Usage goes down in the winter, of course, but it is my hope that we can build the program back up. One of the limiting factors has been our inability to have kind of a touch-and-go kind of system, and that is why we are requesting additional funds for next year to be able to have a different check-out system that can be done faster. The problem we have now is, you have to go in, get a key, go out, do it that way.

So the major expense is just in the racking systems that we want to have. If we made it easier to use, I am convinced usage will go up, and I think it is a worthy investment. We have been undertaking it not so much as a greening issue but as a wellness issue because our employees sit all day, and if we can at least get them out to get them some exercise in some way, that's great. It is a pretty low-cost way. I think we spent $25,000 on the program.

Ms. WASSERMAN SCHULTZ. Maybe your employees sit all day. Mine don't sit all day.

Mr. BEARD. Many of our employees sit all day. So it, as a wellness issue, it really is something that is worthwhile.

Ms. WASSERMAN SCHULTZ. It is. I do support the greening program, but do you have a process in place for the greening initiative that evaluates components of it to see which ones are working and which ones aren't working?

Mr. BEARD. We meet once a week with the Architect of the Capitol to go over the 150 items that we jointly are working on in the greening process. We have a contractor in place, ICF, who has helped us develop a mechanism to be able to track and evaluate the success or failure of individual members and individual actions.

Ms. WASSERMAN SCHULTZ. Thank you.

Mr. Honda.

Mr. HONDA. Just to follow up on that line of questioning, in the evaluations, do you have a panel of scientists who are in that arena that does look at that and helps evaluate?

Mr. BEARD. We have been using, as our technical consultants and help us evaluate things, Lawrence Berkeley National Labs out of Berkeley. I think we have been very pleased with the work. They also have enabled us to get assistance from the Department of Energy on a number of different issues.

Mr. HONDA. Maybe we can work with the White House. They have got a lot of folks over there.

Mr. BEARD. Well, they have actually come over here to see what we are doing.

Mr. HONDA. Great. The knives and forks and spoons that were mentioned in the cafeteria, I understand those are biodegradable, so they have to be—you can't leave them in hot water for too long, I guess.

Mr. BEARD. We have run experiments where we have put them in boiling water to see what happens, and they haven't disappeared.

Mr. HONDA. They seem to hold up.

The way it was rearranged, the Longworth cafeteria was to have a nice bright thing, and I think, a what do you call it, a skylight to add some natural light to it. And so I guess we are trying to do our part in terms of getting some of this biodegradable stuff out there. I feel less guilty.

Mr. BEARD. Well, that is good.

Mr. HONDA. In the science, the American Chemistry Society, yesterday I saw a project from a college student that developed biodegradable plastic cups, and maybe I would like to just have them give some of the materials and see if that is something we might want to look at.

Mr. BEARD. Well, our water, the water that is sold in the House cafeterias is in a biodegradable bottle. And it is a corn-based product made in Iowa and then shipped to Virginia, where it is filled with spring water. And then all of our cups also are biodegradable and are integrated in with our composting program, where we take everything and compost it.

But you know, we sell 100,000 bottles of water a year. So it is a lot of water we serve, one of the challenges we have is we serve 240,000 meals a month. So our suppliers have to be able to meet pretty stringent supply requirements, because you have got to have a lot of volume, you have to keep up with our needs.

Mr. HONDA. I didn't know that. I guess the next step is to have waterless latrines.

Mr. BEARD. Yes, that is easy to do, and they are commercially available in the marketplace.

Mr. HONDA. Thank you.

Ms. WASSERMAN SCHULTZ. Mr. Aderholt.

Mr. ADERHOLT. Just to follow up, personally, I like eating with stainless steel that you can wash. I really don't care to eat with plastic. I am just repeating feedback I am getting from other people. Maybe there is a way to get stronger biodegradable utensils in the cafeteria.

Mr. HONDA. I know what you mean——

Mr. ADERHOLT. And the straws.

Ms. WASSERMAN SCHULTZ. I hate the paper straws.

Mr. ADERHOLT. But that is all I have.

Ms. WASSERMAN SCHULTZ. Okay. I want to thank each of the officers for being with us this morning and for your service again.

And please take back to your employees how much we appreciate their hard work and the hours that they put in and the sacrifice that they make and that their families make to help make the world a better place.

ADDITIONAL ASSIGNMENTS FROM THE CHAIR

I do want to give you some assignments, Mr. Beard, before you go. The issue of creating a system for determining how well the CAO office is meeting the needs of Member offices and House employees is a customer service issue. I would like you to prepare a report for the committee by July 1st to describe your current feedback systems; what types of services are measured; how often these measurements are taken; and any inclusions that you believe need to be made to improve the CAO's efforts to measure how well you are doing in serving Members and staff.

Please also describe in the report your current model for reaching out to Members offices about any significant issues as well as any enhancements you believe may be warranted in that model.

And when you prepare this report, please include a separate section on your system for receiving input from your own staff and employees within the CAO on issues and problems that they face, and your system for responding to those concerns.

Mr. BEARD. Okay.

Ms. WASSERMAN SCHULTZ. Thank you very much.

With that, if there is no other Member or item before the committee, the subcommittee stands in recess subject to the call of the Chair. Thank you.

[The prepared statements of the House Inspector General, Law Revision Counsel, General Counsel, and the Legislative Counsel follow:]

Statement of James J. Cornell, Inspector General
Office of Inspector General
U.S. House of Representatives
Washington, DC

Before the House Subcommittee on Legislative Branch Appropriations

Chairwoman Wasserman Schultz, Ranking Member Aderholt, and Members of the Subcommittee, I am both pleased and honored to appear before you today in my capacity as Inspector General of the House. Thank you for this opportunity to highlight the important work of the Office of Inspector General (OIG).

The OIG was established by the U.S. House of Representatives during the 103rd Congress to conduct periodic audits of the financial and administrative functions of the House and of joint entities. Over the past 16 years, the OIG has added value by working closely with the Committee on House Administration and House Officers to improve the operations of the House. As a result of changing customer demands, the OIG has migrated over the last four years to position itself to provide more value-added services, thereby allowing our customers to leverage our work to reduce inefficiencies and realize cost savings. Specifically, in addition to providing traditional audit services, the OIG provides proactive analysis and guidance in the improvement of House operations through its management advisory services. These advisory services to the House have included work in the areas of emerging technology, systems development, business process improvement, and risk management. Additionally, over the years, the Committee on House Administration has asked the OIG to perform various investigative inquiries in response to events of concern to the House. Recognizing this broader mission, changes to the Standing Rules of the House were approved by the House at the beginning of the 111th Congress. Changes to Rule II now formally recognize the OIG's advisory and investigative services, grant the OIG appropriate authority to carry out its mission, and allow the OIG to better implement guidance and standards published in the Government Accountability Office's *Government Auditing Standards*.

The OIG continues to serve a vital role in helping to ensure integrity and identify opportunities for improvement in our House financial and administrative processes. We have the flexibility necessary to quickly respond to any urgent audit, process improvement or investigative need that our House customers may face. The OIG staff consists of twenty-two experienced and dedicated professionals, most of whom possess advanced degrees and/or professional certifications and extensive public and private sector work experience. Currently the OIG has 27 ongoing audits, advisories, and investigations in various stages of completion.

Highlights during the Second Session of the 110th Congress

During the 110th Congress, the OIG issued 30 audit reports and other products, including three investigative inquiries. The OIG's objective, value-added reviews have helped managers to significantly improve House financial management, administrative processes, workplace safety and security, and the security of the information technology infrastructure and data. In addition, through the use of Lean Six Sigma advisory services, the OIG has not only provided management with process improvement options, but instilled in numerous House employees awareness toward detecting process inefficiencies and methods to eliminate them.

In the financial area, the House continued to make progress in improving its financial management and operations. For the tenth year, the independent auditors expressed an "unqualified opinion" on the House's financial statements and reported that the financial statements fairly present, in all material respects, the financial position of the House and the results of its operations and cash flows in conformity with generally accepted accounting principles. In addition, the Independent Auditor's Report identified no instances of noncompliance with laws and regulations. The House continues to have reportable conditions associated with the internal control framework for the payroll cycle, financial reporting process and financial information system.

In other financial and audit work, the OIG reviewed the effectiveness of the CAO's detection procedures for duplicate payments. We are working with the CAO to develop solutions that will enhance their prevention and detection methodologies. For example, during the course of performing the duplicate payment audit, we determined that a staff member was involved in fraudulent activity. After coordinating with House General Counsel and the Committee on House Administration, we provided our analysis to the Department of Justice for prosecution. Our analysis also indicated that the controls over Shared Employees needed significant improvement. We continue to meet with the CAO and Committee on House Administration to provide input and help to ensure the controls are adequate and the risks are minimized.

In our management advisory services area, we reviewed the CAO's security configurations and segregation of duties related to the PeopleSoft integrated management system (Atlas) implementation. We identified several issues that, if left as originally designed, would have presented unnecessary risk to the House. The OIG made a number of specific recommendations that would improve control within Atlas once it is implemented.

In another management advisory engagement, we developed a cost-benefit analysis of the CAO joint effort with the Architect of the Capitol (AOC) to deploy compact fluorescent light bulbs (CFLs) within House office buildings. One of the goals of the "Green the Capitol Initiative" is to reduce the carbon footprint of the House by cutting energy consumption by 50% in 10 years. In support of this goal, the AOC began a project to replace 10,000 incandescent light bulbs with more energy efficient CFLs in House buildings. Our analysis revealed a potential $1.18 million savings to the House, over a ten

year period, with the added environmental benefit of annually reducing carbon emissions by 1,787,968 pounds.

In the information technology area, the OIG audited general controls over the AOC's server operating system environment supporting House operations. We made a number of recommendations to ensure the integrity, availability, and confidentiality of data stored, processed, and distributed by IT systems. Servers need to be routinely scanned and identified vulnerabilities should be remediated because vulnerabilities can be exploited to obtain unauthorized access to the network. During the Paylinks Post-Implementation audit, we identified a significant access control weakness that substantially increased the risk of unauthorized payroll activity. As a result, we initiated the Paylinks Data Integrity Review to determine if Paylinks data was accurate, identify payments to fictitious employees, and identify improper payments to House employees. Generally, we determined the data in Paylinks, for the time period we reviewed, was accurate and reliable; however, we did identify improvements that management could take to strengthen internal controls.

Focus for the 111th Congress

A number of important challenges face the House at the beginning of the 111th Congress. The OIG, in collaboration with the Committee on House Administration, will do its part to contribute to a more effective and efficient support structure for the House's Members and staff by identifying and helping mitigate risk it deems significant to the House. Some of these risks include: (1) maximizing the usefulness of the new House payroll system; (2) implementing a new core financial system; (3) monitoring contractor performance; and (4) operating in a secure virtual environment.

Payroll and Benefits compensation is the largest expenditure within the House, accounting for about 80% of annual operating expenses. The CAO has initiated a series of enhancements to better utilize the system's capabilities, including the employee self-service module and a study of the feasibility of a bi-weekly pay cycle with a pay lag. Because of the unique payroll and benefit practices of the House, business process changes, if not well planned, can significantly increase operational and maintenance costs and degrades customer service. The OIG has several on-going and planned reviews to assist the CAO in ensuring the system's capabilities and customer service are maximized.

Before implementing a new financial management and reporting system, the project management team must complete substantial work in many system development areas to ensure that the Atlas integration project will meet the CAO's high-level organizational objectives. Because these system development areas are critical to the success of the Atlas integration project, the OIG plans to monitor these areas to ensure that they are sufficiently developed to meet industry best practices.

The CAO performs essential support services for the House. To provide a key part of the support services, the CAO awards a significant number of contracts for firms to provide a wide variety of services and goods. To illustrate, in FY07 the CAO awarded approximately 60 new contracts with an estimated value of $36 million. In recent years,

the GAO has identified the acquisition and contracting process in federal agencies as one of its high risk areas. With the significant amount of contracts and dollars expended, along with limited monitoring and surveillance resources, the CAO's process of monitoring contractor performance may create risks to the House. The OIG plans to perform several audit reviews related to contracting during the upcoming year to help the House reduce and manage the risks involved. One audit will focus on the controls over the contractor performance and payment process, and a second audit will concentrate on security related risks involved in the contract employee background check process.

Operating and maintaining a secure network remains one of the most significant issues facing the House. To assist the House in this endeavor, the OIG will evaluate the security controls over the newly implemented CAO virtual server environment. Virtualized environments offer improved asset utilization, lower costs, and increased flexibility but introduce management complexity and overhead. The OIG's review will focus on verifying that the new virtualized environment has strong security controls to ensure House systems and data are protected.

FY 2010 Budget Request

The OIG's FY2010 budget request calls for total funding of $5.062 million, and includes $3.047 million in mandatory items associated with the current staff; $2.015 million for non-personnel expenses necessary to fulfill its primary mission of providing audit, advisory, and investigative services, which includes contracts for the annual independent audit of the House Financial Statements, continued oversight of the House Greening Initiative, as well as security and other specialized information systems expertise. The OIG's FY2010 budget request reflects a 2.37 percent increase over our FY2009 appropriation and is due only to cost of living adjustments for current staff and program price level increases because of inflation. The OIG will absorb any longevity and meritorious increases as part of its normal operating budget.

Madam Chairwoman, I wish to thank you, Ranking Member Aderholt, the Members of the Subcommittee, and the full Committee on Appropriations for this opportunity to present the work of the OIG and its FY2010 budget request. The OIG looks forward to continuing our role of providing value-added advice and counsel to the Committee on House Administration, House Officers, and joint entities of the House as we focus on issues of strategic importance to the House and its ability to efficiently and effectively conduct its operations in accordance with best business practices. I would be happy to answer any questions you may have. Thank you.

STATEMENT OF

PETER G. LEFEVRE

LAW REVISION COUNSEL OF THE U.S. HOUSE OF REPRESENTATIVES

to the

Subcommittee on Legislative Branch

of the House Committee on Appropriations

Madam Chairwoman and members of the Subcommittee, it is a pleasure to appear before you to present the budget request of the Office of the Law Revision Counsel for fiscal year 2010.

Budget Request

I am requesting $3,299,000 for the Office for fiscal year 2010. This is an increase of $242,000 (7.92 percent) over funding for fiscal year 2009, most of which is to cover projected increases in personnel expenses for cost of living adjustments, meritorious pay increases, and the addition of one full-time equivalent (FTE) position. The request projects non-personnel costs similar to fiscal year 2009 and provides funding to continue service contracts with former employees and outside consultants for editorial and technical support and for XML development projects.

Functions of the Office

As provided by chapter 9A of title 2 of the United States Code, the Office has two principal functions: (1) maintaining the official version of the Code, and (2) preparing legislation, for submission to the Committee on the Judiciary, to enact individual titles of the Code into positive law.

Maintaining the United States Code

The United States Code contains the general and permanent laws of the United States, organized into titles by subject matter. The function of maintaining the Code itself subdivides into two main tasks:

(1) *Classifying New Laws*. The first involves reading every law enacted by Congress to determine which provisions should be classified to the Code and where in the Code they should be placed. The Office gives the highest priority to this classification function. Pending legislation is constantly monitored so that the classification of laws can

normally be completed by the time they are signed by the President. While speed is important so that classifications can be included in the printed slip laws and quickly made available to private publishers and the public, accuracy is even more important. Typically, three or four attorneys carefully review each law to make sure that all appropriate classifications are made and that nothing is missed.

(2) *Updating the Text.* The second task in maintaining the Code involves updating the actual text of the Code. This includes not only updating the text of the law, but also preparing extensive editorial material. This editorial material includes statutory citations and amendment notes to help users track the legislative history, other notes to explain such things as effective dates, transfers of functions, and a variety of other matters, tables to help users determine the status of statutory provisions and locate them in the Code, and an index.

The Office publishes, in printed form, a complete new version of the Code once every six years and annual cumulative supplements in intervening years. The 2006 main edition of the Code, including tables and index, is almost 48,000 pages. The Office also publishes the Code on its website and in the form of an annual CD-ROM.

A continuing concern has been the amount of time it takes to update the Code to include newly enacted laws. The timeliness of the Code slipped significantly from 2001 to 2005 due mainly to an increasing workload and the loss of over half the staff due to retirements and unexpected departures. Since then, replacement staff have been hired and trained, and two additional attorneys have been added to the staff thanks to the Subcommittee's recent increase in our authorized FTEs. With the attorney staff rebuilt and augmented, the attorneys' editorial work on the Code is proceeding more quickly, but the non-attorney staff members working on the Code are having problems keeping up with the faster pace.

The worst bottleneck is in the final proofreading and printing review stage. In the past, the Office has had the assistance of a full-time GPO detailee who typically stayed for years and eventually joined the staff. This arrangement benefitted the Office because it takes several years for a printing editor to acquire the knowledge necessary to become highly productive at Code work. During years when the Office was preparing a main edition, GPO provided a second full-time detailee because of the added workload. Unfortunately, for most of 2008 and 2009, during which work was being done on a main edition, the Office did not have even one GPO detailee. To alleviate such problems in the future, I am requesting an additional FTE to be used to hire another printing editor.

Positive Law Codification

The second principal function of the Office is to prepare legislation to enact individual titles of the United States Code into positive law. The Code currently consists of 24 positive law titles and 25 non-positive law titles (one title has been omitted). A positive law title is a title that has been enacted into law by Congress in the form of a title of the Code. Thus, in a positive law title, the overall organization, the arrangement of

sections and chapters, and the designations and headings appear in the Code exactly as enacted by Congress. In contrast, in a non-positive law title, the organization and arrangement of sections and chapters, their designations, and many of the headings are the result of editorial decisions made by the Code editors (the Office of the Law Revision Counsel or its predecessors). Non-positive law titles are basically editorial compilations of separate Acts and pieces of Acts that have been arranged in the Code, not by Congress, but by the Code editors. Positive law titles are considered legal evidence of the law they contain, while non-positive law titles are considered only prima facie evidence of the law.

Many people recognize that positive law codification is a necessary and important function. It elevates the evidentiary status of the Code title, and it affords an opportunity to correct errors in the law, eliminate obsolete provisions, and standardize language without changing the substance or application of the law. It makes the Code easier to amend and easier to update. Fewer people are aware of how badly the Code is in need of a major reorganization or how essential positive law codification is to making the law more accessible and understandable not just for lawyers, judges, and government officials, but also for the general public.

When the Code was first adopted in 1926, all of the general and permanent laws of the United States were organized into 50 titles which fit into a single volume. Those 50 titles reflected the focus and size of the Federal statute law in effect over 80 years ago. Each title was small and related to a well-defined subject such as title 27, "Intoxicating Liquors", consisting of 77 sections, and title 42, "Public Health", consisting of 97 sections. There were virtually no Federal laws back then relating to housing, medical research, social security, small business, space exploration, environmental protection, and a host of other areas that are now the subject of extensive Federal legislation. What happened to all those new laws? Basically, they were just added to the original 50 titles. As a result, there are now titles in the Code which are huge and include unrelated subjects. The biggest title, title 42, now called "The Public Health and Welfare", has grown to over 7,000 pages and contains more than 140 chapters covering numerous subjects which are not related to public health or to each other, such as space exploration, housing, environment, law enforcement assistance, civil rights, and science.

To compound the problem, as new laws are enacted there is often little attention paid to the statutes already in effect. New provisions that logically should be added to existing Acts or positive law titles are often enacted as separate free-standing laws. Laws creating new programs are often enacted without apparent regard for existing laws with similar programs. This leads to chapters or sections covering similar subjects being scattered around in different parts of the Code or included as notes in positive law titles, where only Congress can add sections. All of this makes the law more complicated and less accessible than it has to be. Many areas of Federal law could be made easier to research, easier to amend, easier to administer, and just plain easier to understand if they were revised and reorganized as part of a positive law codification project.

Since 1926, there has been some progress made. As mentioned above, 24 of the titles of the Code have been enacted into positive law, but that represents only about 30%

of the volume of law in the Code. Each year, the amount of new law added to the non-positive law titles exceeds the amount of law repealed and reenacted in positive law titles, so the problem is getting worse. With an awareness of the size of the task, the Office is doing all that it can to work on codification bills and transmit them to the Committee on the Judiciary. However, it must be recognized that the process of preparing these types of bills is arduous and time consuming. The drafting attorneys must identify all statutory material relating to the subject matter of the new title and make judgments about what to include or exclude. All of this material, which typically comes from many different laws enacted over many years, must be organized in a logical way in the new title. Each provision must be carefully analyzed, and decisions must be made about whether certain provisions have become obsolete or superseded by later law. Early in the process, the attorneys also must identify all parties, both in and outside government, who may have an interest in the project, and must develop good lines of communication and trust. The Office seeks as much input as possible throughout the drafting process. Depending on the size of the bill, it may take a year or more just to prepare a bill for transmittal to the Committee on the Judiciary. Moreover, when Congress does not act on a codification bill during the Congress in which the bill is first introduced, updating the bill for introduction in the next Congress often requires a large amount of extra work.

Thus far in 2009, the Office has submitted six positive law codification bills to the Committee on the Judiciary. They are as follows:

(1) *Title 35 - Trademarks*. This bill adds material to title 35 (which is already positive law) based on material from title 15. The bill is a successor to a bill submitted to the Committee on the Judiciary during the 110th Congress. The bill was submitted to the Committee on January 30, 2009. The bill has not yet been introduced.

(2) *Title 41 - Public Contracts*. This is a successor to bills in the 108th, 109th, and 110th Congresses. In the 110th Congress, the bill was submitted to the Committee on the Judiciary on March 1, 2007, and introduced on December 18, 2007, as H.R. 4779. A request for comments was sent out by the Committee on March 28, 2008. The bill was ordered favorably reported by the Committee on July 30, 2008. No further congressional action was taken before Congress adjourned. The Office then updated the bill to reflect laws enacted toward the end of the 110th Congress. In the 111th Congress, the bill was submitted to the Committee on the Judiciary on February 11, 2009, and introduced on February 23, 2009, as H.R. 1107. The bill was ordered favorably reported by the committee on March 18, 2009. No further congressional action has been taken to date.

(3) *Title 51 - National and Commercial Space Programs*. This is a successor to bills in the 109th and 110th Congresses. In the 110th Congress, the bill was submitted to the Committee on the Judiciary on March 1, 2007, and introduced on December 18, 2007, as H.R. 4780. A request for comments was sent out by the Committee on March 28, 2008. At the Committee's request, the Office prepared certain amendments to the bill. No further action was taken by the Committee before Congress adjourned. The Office then updated the bill to reflect laws enacted toward the end of the 110th Congress. In the

111th Congress, the bill was submitted to the Committee on the Judiciary on February 11, 2009. The bill has not yet been introduced.

(4) *Title 52 - Voting and Elections.* This bill was submitted to the Committee on the Judiciary on February 26, 2009. The bill has not yet been introduced.

(5) *Title 53 - Small Business.* This bill was submitted to the Committee on the Judiciary on February 24, 2009. The bill has not yet been introduced.

(6) *Title 55 - Environment.* This bill was submitted to the Committee on the Judiciary on February 24, 2009. The bill has not yet been introduced.

The Office also has several positive law codification projects that are either in preliminary stages of study or under active development. These include:

(1) *Title 10, Subtitle F - Medical and Dental Care.*

(2) *Title 24 - Public Health.*

(3) *Title 54 - National Park System.*

(4) *Title 56 – Wildlife.*

Following introduction of a codification bill by the Chairman of the Committee on the Judiciary, the Office continues to provide whatever support the Committee may desire. The drafting attorneys study all public comments received and discuss the issues with those submitting the comments in order to achieve a satisfactory resolution. The attorneys draft whatever amendments may be required for markup, and also draft the committee report. When a bill passes the House and goes to the Senate, the Office also contacts the Senate staffers in order to provide information and assistance as they consider the bill. The Office will continue to do whatever it can to facilitate the consideration and passage of codification bills by the Congress.

XML Conversion

The budget request also includes an amount to continue the long-term effort to replace GPO photocomposition codes with XML. GPO photocomposition codes have been used in the production and printing of legislative materials, including the United States Code, for at least the last 25 years. A few years ago, the House and the Senate decided to move to XML as the standard format for legislative documents, and GPO has been refocusing its support away from photocomposition codes and toward XML. Several congressional offices are now well on their way to making this transition. There also now appears to be a renewed emphasis on technology coordination throughout the House, as evidenced by the request made in the explanatory statement accompanying title I of division G of H.R. 1105 (Pub. L. 111-8) for the preparation of a report by June 30, 2009, on efforts or plans "to develop House-wide data-sharing standards [and] implement

standard legislative document formats" (House Appropriations Committee Print, p. 1762).

At the end of fiscal year 2006, the Office contracted for the first stages of a multi-year project. These first stages included development of a DTD for the United States Code and a program to convert the Code data to XML. The work on that initial contract was performed during 2007 and 2008. The plans for the next stage are to perfect the conversion, develop a style sheet so that Office staff can evaluate the quality of the DTD and conversion program, and use the XML data to build a much improved website for the Code. Additional long-range plans include developing procedures and software to produce the Code in XML as its native format.

This transition to XML is expected ultimately to assist the Office in updating the Code and to assist other congressional offices and the public in using the Code.

Conclusion

Finally, I would like to thank the Subcommittee for giving me the opportunity to present the fiscal year 2010 budget request of the Office of the Law Revision Counsel and for the Subcommittee's support for the Office. I will be pleased to respond to any questions that you may have.

••Statement of Irvin B. Nathan, General Counsel
Office of the General Counsel
U.S. House of Representatives
Before the Legislative Branch Subcommittee
Of The Committee on Appropriations
Regarding Fiscal Year 2010 Budget Request for OGC

Madam Chair and Members of the Subcommittee: Thank you for the opportunity to present and explain the fiscal year 2010 ("FY'10") budget request of the House's Office of
the General Counsel ("OGC"). For FY'10, the OGC requests $1,431,000, which represents an increase of $74,000 or 5.45% over the FY'09 enacted budget. The proposed increase consists of a $58,000 increase in personnel costs and $16,000 in non-personnel costs. The justification for the requested increase appears below.

Functions of the Office

Pursuant to Rule II(8) of the Rules of the House (111th Cong.) and 2 U.S.C. § 130(f), the OGC provides legal advice and assistance to Members, Committees, officers and employees of the House, without regard to political affiliation, on matters related to their official duties. The office is a non-partisan, independent entity in the House which reports, on policy matters and matters of institutional interest to the House, to the Speaker and the Bipartisan Legal Advisory Group (consisting of the Majority and Minority leaders, and the Majority and Minority whips). While it is difficult to provide an exhaustive list of the types of advice and representation the OGC provides, the office addresses at least the following areas with some frequency:

- Judicial Proceedings: The OGC represents Members, Committees, officers and employees, both as parties and witnesses, in litigation arising from or relating to the performance of their official duties and responsibilities, both at the trial and appellate levels. Among other things, the office defends civil suits; moves to quash or limit subpoenas; on behalf of Committees and Subcommittees, applies to the District Court for

enforcement of subpoenas and immunity orders for witnesses; and files amicus curiae briefs on behalf of the House and/or one or more of its constituent entities in litigation with potentially significant consequences for the House and its Members.

- **Committee Subpoenas:** The OGC provides advice and assistance to House Committees and Subcommittees in connection with the preparation, service and validity of Committee and Subcommittee subpoenas, including advice and assistance in dealing with recalcitrant witnesses.

- **Requests for Information:** The OGC provides advice and representation in connection with responses to informal and formal requests for information (grand jury, trial and deposition subpoenas) from governmental agencies (including the Department of Justice, the FBI and other executive branch and independent agencies, as well as private parties.

- **Privileges:** The OGC reviews, evaluates and provides advice regarding the applicability and waiver of various privileges, such as executive, Fifth Amendment, attorney-client, attorney work product, and, most particularly, the Speech or Debate Clause privilege (U.S. Const. art. I, § 6, cl. 1).

- **Tort Claims:** The OGC reviews and evaluates tort claims for administrative resolution and, where appropriate, refers such claims to the Department of Justice for defense under the Federal Tort Claims Act.

- **Tax Exemption Matters:** The OGC advises House offices and vendors of applicable tax exemptions for official purchases.

- **Constituent Information:** The OGC provides advice and assistance to Members and their staffs regarding the maintenance of the confidentiality

of constituent communications and information.

- **Contract Disputes:** The OGC assists in resolving major contract disputes involving House entities and outside vendors.

- **Internal Policy Development:** In consultation with the Speaker's office and other leadership offices, the OGC assists in creating and amending internal House policies, Rules and regulations.

- **Formal Legal Opinions:** From time to time, the OGC issues formal legal opinions on matters of interest to Members, Committees and/or officers.

- **Parliamentary Matters:** In consultation with the Parliamentarian of the House, the OGC provides some advice to Committees and Subcommittees on parliamentary issues and other issues involving the interpretation of the Rules of the House.

- **Freedom of Information and Privacy Acts:** the OGC provides advice on the applicability of FOIA and the Privacy Act to Congress.

Justification for Requested Increase

At present, the OGC staff includes six attorneys, three law clerks, and an Office Administrator. As previously stated, the FY'10 budget request is $74,000 above the FY'09 enacted budget; $58,000 or 78.4 percent of this increase falls under the category of personnel expenditures. In an effort to attract talent, to ensure continuity of effective service and the efficient execution of responsibilities, $55,000 or 94.8 percent of the requested personnel request consists of funding for salary cost-of-living adjustments and meritorious pay increases, the remaining $3,000 or 5.2 percent for the estimated increase of transit benefits. Furthermore, the proposed increase will secure

retention of the current staff, who possess a repository of considerable expertise and institutional knowledge and who have demonstrated a commitment to the House over many years.

The proposed $16,000 increase in the non-personnel budget is attributable to the estimated costs of operations and maintenance such as an increase of $2,000 in Rent, Communication, Utilities component; $9,000 in supplies and materials, such as the cost of the legal subscriptions which allow access to electronic data bases necessary for research and brief writing purposes; and $5,000 in equipment for essential Technical Support and the replacement of soon to be antiquated office equipment.

I am pleased to respond to any questions the Subcommittee might have. Thank you for your consideration.

Statement of M. Pope Barrow, Legislative Counsel
Office of the Legislative Counsel
U.S. House of Representatives

Before the House Subcommittee on Legislative Branch Appropriations
Regarding Fiscal Year 2010 Appropriations

Madam Chair and distinguished Members of the subcommittee, thank you for the opportunity to present to you the fiscal year 2010 appropriation request for the Office of the Legislative Counsel.

I am pleased and honored to appear before you today in my capacity as Legislative Counsel to the House. This is the tenth time I have provided testimony to this subcommittee since becoming Legislative Counsel in 1998. I would like to take this opportunity to express my appreciation to the Members of the subcommittee for their past and continuing support for our office.

The Office of the Legislative Counsel has provided assistance in the preparation of legislation to the House of Representatives for more than 90 years. We would like to continue that tradition and, with the support of this subcommittee, improve our ability to provide this important service to the Members and Committees of the House.

Office Budget Request

For fiscal year 2010, I am requesting $8,900,000 for salaries and expenses of the Office of the Legislative Counsel. This is an increase of $563,000 (or 6.75 percent) over our fiscal year 2009 enacted budget (P.L. 111-8). This amount includes $7,568,000 for mandatory items; $14,000 for price level changes; $1,122,000 for program current services; and $196,000 for program level changes.

Our request includes a net personnel funding increase of $353,000. This is attributable to $86,000 to annualize the fiscal year 2009 cost-of-living increases; $158,000 for fiscal year 2010 cost-of-living increases prorated; $100,000 for meritorious increases for junior and mid-level employees; $4,000 for overtime pay; and $5,000 for transit benefits.

Our request includes a net nonpersonnel funding increase of $210,000. This is attributable to an increase of $39,000 in Committee Assistance programs; a decrease of $26,000 for Technical Support; a request for $145,000 for Staff Level changes; and an increase of $38,000 in programs for Drafting Legislation.

Functions and History of the Office

While Members of the subcommittee are familiar with our office, for the benefit of others who may review this testimony it may be helpful to provide a brief synopsis of our functions and history.

The statutory charter of the Office of the Legislative Counsel charges the office with the duty to advise and assist the House, its committees, and Members in the achievement of a "clear, faithful, and coherent expression of legislative policies". Our goal, therefore, is to prepare drafts that accurately reflect the legislative objectives of the Member or committee concerned, that are legally sufficient to carry out that policy, and that are as clear and well organized as possible under the circumstances. Although this goal may not be achieved in every case, we always seek, to the extent possible within existing time constraints, to improve the clarity and technical accuracy of the legislative product, avoid drafting errors, reduce unnecessary confusion, and avoid future litigation.

The office is neutral as to issues of legislative policy. Since our inception, we have provided legislative drafting assistance to Members representing all political viewpoints while maintaining confidentiality with each client.

Professional legislative drafting in the House of Representatives began in 1916 as an experiment offered to the House by a professor at Columbia Law School, Middleton Beaman. The experiment was regarded by the House as a success, and Mr. Beaman was appointed Legislative Counsel to the House in 1918 pursuant to an amendment to the Revenue Act of 1918. At first, the office focused primarily on tax legislation. Over the following decades, the work of the office gradually expanded to cover every area of federal law. A statutory charter for the office was enacted in the Legislative Reorganization Act of 1970. This was followed by an expansion in staff, and over time, a gradual change to the current specialization system within the office. Under that system, each attorney primarily handles legislative drafting requests in specific areas of federal law and strives to achieve a high level of substantive knowledge and expertise in those areas.

Ancillary Services

In addition to performing our primary function of drafting legislation, we also provide several ancillary services to the House. Most important among these is the preparation of Ramseyers for committees for inclusion in committee reports as required by clause 3(e) of House Rule XIII.

In recent years, the period between final committee action on a reported bill and the filing of the committee report (including the Ramseyer) has become increasingly compressed. Until this year, we were sometimes unable to complete the Ramseyers in time for the filing of committee reports. This required that the Rules Committee issue a waiver of clause 3(e) of

House Rule XIII. Clearly this was an unsatisfactory situation. We were urged by several committees to find a way to solve this problem, and we requested funding from this subcommittee for that purpose.

I am happy to report to you that the problem has now been solved, at least to the extent it is technologically solvable. We developed unique software to speed up the production of Ramseyers in fiscal years 2007 and 2008 and completed that project in fiscal year 2009. It is now much more likely that we will be able to prepare Ramseyers for almost every reported bill, even for large bills with short deadlines. This software does not require any additional in-house staff, but it does require significant support and maintenance on an ongoing basis. The cost of this is included in our budget request for software systems discussed below.

In addition to the Ramseyers, we also provide the committees, the Members of the House, and the Senate Legislative Counsel with electronic compilations of up-to-date versions of the most frequently amended Public Laws. For many years in the past these were printed by the Government Printing Office (GPO) for various House committees in bound volumes. The material contained in these documents provides the building blocks for our Ramseyers. It also represents the only current version of approximately two-thirds of all federal law, and is, therefore, essential to understanding and drafting all bills amending existing law.

While our staffing is inadequate to enable us to continue to provide assistance to the committees in the preparation of these valuable compilation documents for printing by the Government Printing Office, we do recognize how vital they are to the committees of jurisdiction, the Members, and to the entire legislative process. Therefore, in an important new development to come later this spring, we plan to make all of the compilations of existing law that we prepare in our office available to the entire House on a Web site in the form of current Adobe Acrobat PDF files. These documents are essential to the lawmaking process but are not available from any other source inside the Congress or elsewhere. (This will not include the United States Code provisions which are available from the Law Revision Counsel or from copyrighted outside nongovernmental sources.)

Among the duties we consider ancillary to our primary purpose, we also frequently assist some Members, at their request, in putting their own legislative language in XML format and the proper statutory style but *without analysis, review, or correction by attorneys.* These are situations where the Member concerned, or someone on the Member's staff, requires legislative language so quickly that we cannot process it through our normal system of attorney analysis and review. Unfortunately, this is a growing part of our work, but since we consider it purely a clerical function, this service is frequently performed by our clerical or paralegal staff with minimal or no attorney supervision.

Given the current size of our staff (42 attorneys) and our current workload, we are not able to provide certain other additional services that are often requested. These include extensive research, preparing side-by-side analyses of House and Senate bills, drafting explanatory language for committee reports, and preparing summaries or analyses of sections or bills. These tasks are more appropriately performed by other offices such as the Congressional Research Service.

In addition, in order to maintain our impartiality, we do not prepare letters or memoranda explaining, defending, promoting, or justifying any particular legislative proposal.

Workload and Changes in Nature of Our Work

We completed 25,096 final drafts in calendar year 2007, and 14,436 in 2008 for a total during the 110th Congress of 39,532. Of that 110th Congress total, 20,817 final drafts were bills (8,176 of those in 2008), 15,568 were amendments (4,919 of those in 2008), and 3,147 were resolutions (1,341 of those in 2008).

In the first quarter of calendar year 2009, we have completed 4,785 bills, 2,024 amendments, and 719 resolutions for a total of 7,528 final drafts.

We are already on a pace this session that will probably surpass the numbers from the 110th session of Congress.

Putting these statistics in any kind of meaningful perspective is difficult because some drafts are merely simple resolutions or responses to requests to put language developed elsewhere into proper form. On the other hand, a single request could be very extensive, requiring months of intensive work by a team of experienced attorneys. Bills and amendments continue to become increasingly lengthy and complex. In the last session, for example, the defense authorization bill (H.R. 4986) was 1514 pages long; one energy bill (H.R. 3221) had 888 pages; a higher education bill (H.R. 4137) contained 747 pages; and H.R. 4128 updating the criminal code totaled 718 pages.

These statistics do not cover the number of reported bills for which we provided Ramseyers, the number of compilations of existing law we prepared, or the number of draft versions of bills and amendments we prepared prior to reaching the final draft stage.

The average number of requests in calendar year 2008 for assistance from a single Member was 36; however, some individual Members are especially heavy users of our office. We generated 147 bills for one Member in 2008, 127 for another, and 123 for another.

In my testimony to this committee last year, I described how our work has been changing and how we have been adjusting to those changes. These same changes are continuing. I will summarize them again briefly.

As mentioned above, we are receiving more requests to put legislative language drafted elsewhere into the XML format without analysis, review, or correction by attorneys. We are also now more frequently asked to review, analyze, and "repair" drafts prepared elsewhere, usually by outside groups. It is clear that the number of outside groups striving to design and control the details of legislative language is growing.

More and more often we are asked to draft legislation in situations in which the Member concerned has no expectation that the legislation will be adopted or even considered. Yet the

Member requests detailed legislative language (in proper form) to stake out a position or for some other reason. Frequently these drafts are required on short notice to meet a deadline set by the Member concerned.

Deadlines, whether real or imaginary, frequently make it impossible for our attorneys to adequately review the legislation or make a serious determination as to its legal effectiveness.

The pace of the legislative process has picked up perceptibly. I am sure that I need not remind anyone here of the speed involved in enacting the stimulus package earlier this year. The pace has picked up so much in fact that we are now beginning to receive requests for amendments to bills that are not yet in existence and requests for bills amending laws that have not yet been enacted.

Some of the deadline situations we face arise in the context of Rules Committee schedules. Members must meet those deadlines to have their amendments considered by the committee. The Rules Committee typically sends notices to Members that their amendments must be processed by our office and be presented to the Rules Committee before a specified time. One reason for this is to expedite GPO printing on an accelerated basis. In order to protect the rights of the Member concerned, we may format these amendments and include them in our computer database for GPO retrieval, but there is often no time available to an attorney to review the language or make any contribution to its clarity or legal effectiveness.

Requests for this kind of quasi-clerical assistance are essentially in conflict with, or outside of, our statutory charter. We provide these services to the extent we can, but we do give priority to those requests on which we can make a meaningful contribution to the final product. Consequently, as I mentioned above, requests for "formatting" and rush jobs may often be handled only by our clerical or paralegal staff.

Turnaround Time

Members often ask how soon their projects can be "turned around" by our office. There is no single answer to this question. Projects not requiring attorney involvement may be processed more quickly, but the quality of the drafting will reflect the absence of value added by a skilled drafter. With the quick turn-around, there will be no assurance that the language will (1) legally accomplish what its sponsor wants it to do, (2) be referred to the desired committee, (3) be enforceable, (4) avoid conflicts with existing law, (5) give authority to the correct federal agency, or (6) avoid litigation and questions from the press that cannot easily be answered.

Even in cases where the Member or committee desires to have the best possible draft prepared, the turnaround time varies. Often it takes twice as long to review, analyze, and rebuild an existing draft prepared by outside groups as it would to draft the bill from scratch because in the former cases, we first need to unearth the policy within language that may not be totally coherent, and then start over from there.

Our attorneys specialize, and when a topic is timely and of interest to many Members, the one or two or three attorneys competent to work on that topic are often inundated with drafting

projects. We prioritize our efforts by handling conference drafting requests first, floor amendments second, and committee projects third. Bills for introduction are dealt with only after those priority projects are finished, and they are handled in the order in which we receive them. I realize that Members are disappointed not to have every request they send to us processed immediately, but absent wasteful and unlimited resources, we will never be able to meet that standard.

Personnel

Staffing Levels

Our existing FTE level is 61. We currently have a staff of 58 (42 attorneys, 4 paralegals, 3 I.T. personnel, and 9 clerical support staff). We plan to hire 4 new attorneys and one new support staff in fiscal year 2010. For that to be possible, we are requesting 2 additional FTEs. This would raise our FTE level to 63.

Recruitment and Retention of Attorneys

Recruiting well-qualified attorneys to work in our office has been easier for us than in the recent past.

While the salary levels in private practice remain very high, creating a huge disparity between private practice and government lawyer salaries, and housing costs in the District of Columbia have not dropped significantly, the economic slowdown seems to have made recruiting young attorneys to work in our office easier than in prior years.

In addition, while many young lawyers feel that they still cannot afford to work for the federal government because of their student loan debts, the recent improvement in the House student loan repayment program has been helpful to us in our recruitment efforts. The level of assistance is now at the same level as elsewhere in the federal government ($10,000 per year with a cap of $60,000). The loan repayment program would be even more valuable to us as a recruitment tool if the loan repayments were treated as after-tax income.

Managing the Uneven Workload

Our workload fluctuates greatly during each session of Congress. Peak periods are always difficult to manage. We also are seeing more omnibus bills. The complexity of federal law continues to increase. Our attorneys are often operating under timetables dictated by external events and constraints. Assembling multifaceted legislation in a thoroughly professional manner and minimizing errors is a growing challenge, even for our most experienced staff.

To handle this situation, we are continuing our successful program of using attorneys who have retired from our office to return part-time under contract on an as-needed basis. These experienced attorneys are required to have no actual or potential conflicts of interest. They are paid on an hourly basis at the equivalent of the rate of pay that they were earning immediately prior to retirement and assigned to help for a limited period with a special problem or a particularly difficult or large project.

This system has also proved to be a very cost-effective way to handle temporary crises and to help manage the peak times of a fluctuating congressional workload during each session. We currently have 4 retired attorneys participating in this program on a part-time basis. We plan to add one or 2 additional retired attorneys to this program in fiscal year 2010 so that the total costs of this program would be $100,000.

Nonpersonnel Expenditures

The major nonpersonnel expenditures for our office are associated with the maintenance and enhancement of our existing software systems and future improvements in our ability to provide assistance to committees.

Software Systems

Existing Systems

Our office currently uses 4 major types of software:

(1) Document management software to inventory and track the progress of requests for drafting assistance (iManage).

(2) Software (XMetal) for the composition and modification of bills, amendments, and resolutions in the now-standard Extensible Markup Language (XML) format.

(3) Software to maintain a current database in XML of frequently amended federal laws (compilation software).

(4) Customized software to show existing law with all current amendments and to produce documents showing the changes in existing law resulting from proposed legislation containing amendments and repeals (Ramseyer software).

Keeping our document management software system working and properly integrated with the other software systems used in the office requires the attention of one in-house software specialist and $10,000 in annual upgrades and support from the iManage Company. No additional nonpersonnel funds are needed for this purpose.

We expect to fill in all of the critical missing features in the XMetal text composition software designed for us by the Clerk of the House before the end of fiscal year 2009 so that no additional funds should be needed in fiscal year 2010 for this software.

The third and fourth items on our existing software list (compilation and Ramseyer software) are also expected to be completed in fiscal year 2009, not requiring any further major

enhancements. However, some support and occasional minor improvements are anticipated to be needed in fiscal year 2010. These expenses have been included in our committee assistance request.

Future Systems to Provide Committee Assistance

Looking to the future, there are two additional kinds of software that would improve our ability to provide services to the Members and committees. One would be the ability to draft changes directly into the text of existing law. The proposed software would then convert those changes into properly structured amendments familiar to Members and their staff. This would not only speed up the process of drafting changes to existing law, it would enhance the accuracy and transparency of the entire legislative process. We estimate the cost of building this software to be $419,000.

Another kind of software we would like to make available to committees is the ability to show, on a screen during markup, the impact of proposed amendments on the underlying bill. Based on our conversations with Members of the House and their staffs, and on the studies done by the House Administration Committee (Gartner Report), it appears that having this kind of transparency would be a significant benefit to Members and their staffs. It would enable everyone to quickly see and more easily understand the impact of a highly complex series of amendments when offered in committee or on the House floor. In order to pursue this project through to the proof-of-concept stage and demonstration, we are requesting $383,000.

Conclusion

I would like to express my appreciation for the support this committee has given our office. This support has enabled us to develop and maintain the ability to provide quick, efficient, and expert drafting assistance to the Members and committees of the House. We are continuing our efforts to improve our services wherever possible.

This completes my testimony. I will be happy to answer any questions that any Member of the subcommittee may have.

Homework

1. Mr. Beard, I want to go back to the issue of creating a system for measuring how well the CAO office is meeting the needs of Member offices and House employees—it's a customer service issue. I would like you to prepare a report for the subcommittee **by July 1st** that describes your current feedback systems, what type of services are measured, how often these measurements are taken, and any improvements that you believe need to be made to improve the CAO's efforts to measure how well you are doing in serving Members and staff.

   Please also describe in the report your current model for reaching out to Member offices about significant issues, as well as any enhancements you believe may be warranted in that model.

   When you prepare this report, please include a separate section on your system for receiving input from your own staff within the CAO on issues and problems, and your system for responding to those concerns.

   Will be submitting this answer by July 1st as instructed.

Questions for the Record Statement -- Chair Wasserman Schultz

Hearing, Wed. May 6, 2009 – U.S. House of Representatives FY 2010

Questions for the Clerk of the House

Electronic voting, records

1. Ms Miller, last year you indicated that you were basically satisfied with the House electronic voting system but were evaluating it. This year's budget includes $6 million towards the cost of replacing the voting system. Are we correct in understanding that this $6 million request covers the full cost of the new system? Also tell us whether the latest discussions confirm this estimate and whether all of the funds are needed in FY 2010?

   Last year's testimony before the Subcommittee was indicative of the soundness of the main components of the Electronic Voting System (EVS) which includes the EVS server, software and the database. These pieces have all been recently upgraded. I also mentioned last year that we would continue to evaluate the system, specifically the main and summary displays in the Chamber. Over the last year, we have visited other legislatures and parliaments and have seen the abilities of the newer display technologies. We began discussing these newer technologies with multiple vendors and in April received two proposals to upgrade our display technology.

   We plan to separate the upgrade of the chamber technologies into two steps: the first step would be to replace the two summary displays in FY2009 with the $500,000 that was given to us in a multi-year fund; the second step would be to replace the main voting display with the requested $6,000,000 in FY2010. The proposals we have received have warranted and validated that $6,000,000 figure requested. We believe that the summary displays can be replaced during the August recess and if approved we have targeted this August to do that. The main display replacement must be completed at one time. Once we remove the old main display we will have no voting display until the new one is installed and tested. We will need to be able to plan to block off a period of time in FY2010 to insure the success of the main display upgrade project. We are planning a demonstration for Members of the new technologies that we are considering in the afternoon of June 4 in HC-5.

2. Ms. Miller, last year you indicated that you planned to hire a new deputy clerk who would be in charge of the page program. Can you tell us whether that person is on board and how things are going with the page program?

   The new deputy clerk is not yet on board. However we have a special assistant to the Clerk who is wholly dedicated to the Page program until the deputy clerk is hired.

The Page program is thriving. We are continuing to make progress by adding new summer educational courses and collaborating with committees to provide additional worksites for the Pages. We are also enhancing training for the Page program staff. In addition, we are working with the Office of the Attending Physician to improve the wellness and nutrition of the Pages in several ways including the implementation of nutrition and diet seminars.

Questions for the Record Statement -- Chair Wasserman Schultz

Hearing, Wed. May 6, 2009 – U.S. House of Representatives FY 2010

Questions for Sergeant at Arms

Swine Flu preparedness

1. Mr. Livingood and Dr. Monahan, the "pandemic emergency" plans put together some time ago for avian flu seem somewhat outdated. Have you begun a process of updating and fleshing out a plan for handling pandemic threats, either man-made or naturally occurring?

   Yes, we have reviewed and updated the pandemic annex to the Sergeant at Arms (SAA) Continuity of Operations Plan (COOP) to ensure continuity of services during a pandemic situation. Our COOP Plan does not focus on one specific threat. It is a broad-based, flexible plan that allows a coordinated response to virtually any scenario. The pandemic annex provides specific guidance for planning and responding to a pandemic scenario. It includes, but is not limited to, guidance for social distancing, teleworking, and de-escalation of services. The pandemic plan identifies broad-based milestones (e.g., full legislative business, no legislative business with visitors, no legislative business & no visitors, closure of Capitol campus) and directly correlates reduction of services with each milestone. Minimum staffing allocations have been identified to maintain the essential support services provided by each of our divisions.

   The House Officers, the Office of the Attending Physician (OAP), the Architect of the Capitol and the Senate Officers have been working to enhance our overall coordination and decision-making abilities. A H1N1-specific guided discussion for House and Senate Officers is being developed to identify critical decision points and we will revise plans as required to reflect the outcome of the guided discussion between the House and Senate Officers.

2. Mr. Livingood, the existing plan calls for a number of key administrative steps to be taken under a threat of an outbreak even while normal legislative business continues. These include contingencies for tele-working for employees, preparation of "health go-kits", and warming up alternative sites. Are we prepared to implement these steps if it becomes necessary?

   We are operating in a "leaning forward" posture in regards to pandemic readiness. My staff has reviewed their roles within a pandemic COOP environment and are kept up-to-date regarding the current environment affecting the possible implementation of the SAA pandemic plan. Our website has been updated with a clearly visible link to the OAP website for the latest information on the H1N1 Influenza A as well as a link to the House Pandemic Information brochure. We have identified all staff currently within the SAA prepared for teleworking. We are in the process of developing "Telework Go-kits" to provide additional

staff with the ability to telework if required. Go-kits will enable staff to be self-sufficient during a teleworking scenario (e.g., contain printer/copier/fax combination, basic office supplies, teleworking software).

Alternative sites for SAA personnel have been identified and prepped for pandemic scenarios. The Alternate Computing Facility (ACF) infrastructure is in the process of being upgraded to accommodate increased staff presence. Our pandemic plan identifies current SAA spaces available on the Capitol campus and at the ACF for staff to implement appropriate social distancing techniques. The plan also ensures the ability to correctly spread out SAA staff while maintaining the ability to provide the necessary essential support services from multiple locations. We have identified additional infrastructure requirements and equipment has been installed and/or ordered for each location. The vital equipment, records, files, and databases required to assist essential staff provide their respective services have been identified and pre-positioned as necessary.

So, in response to your question, are we prepared to implement these steps if necessary, yes I believe we are.

Questions for the Record Statement -- Chair Wasserman Schultz

Hearing, Wed. May 6, 2009 – U.S. House of Representatives FY 2010

Questions for the Chief Administrative Officer

MRA/Employee Pay

1. Mr. Beard, I and the other Members of this Committee have been very supportive of increasing funding for the MRA account. That said, the 15 percent proposed increase in this 2010 budget is the largest increase in many years. Given experience so far this year, can you tell us how much funding you currently expect to be obligated for 2009 in the MRA account and the increase over that level which you believe will be required to meet mandated costs, i.e. pay cost to maintain "current service levels?"

   Below is the current budget for FY 2009:

	Personnel (Clerk Hire)	Offical Expenses	Official Mail	Total
FY 2009 Budget	$443,085,000	$146,648,000	$19,267,000	$609,000,000

2. We know you have just initiated a new pay comparability study but what can you tell us based on data currently in the payroll and finance system about how the average pay for employees in Member Offices has changed over the last several years? Also tell us as much as you can about how these pay levels compare to the executive branch ***when you control for age and education***?

   Member Offices vary the salaries of their employees significantly throughout the year which results in inconsistent average annual salaries. During the specific points in time listed below, the overall average Member Office salary varied by approximately 15% from $48,835 to $56,242 while the overall average salary for the Executive Branch varied by approximately 7% from $65,067 to $69,854 during similar time periods. When using the fiscal year (FY) end data points, the average Member Office salary increased by approximately 6% from $48,835 to $51,700. When using legislative year (LY) end data points, the average Member Office salary increased by approximately 12% from $50,198 to $56,242. The CAO Office of Payroll and Benefits does not track the education levels of House staff employees in the payroll and benefits application. Each Member office is its own independent hiring authority and has the option to manage this information on its own.

LY and FY Average Salaries in Member Offices Per Age Bracket

Age	1/2/06	9/30/06	1/2/07	9/30/07	1/2/08	9/30/08	1/2/09
0-19	$17,092	$15,493	$19,912	$13,299	$11,076	$14,280	$27,145
20-29	$38,843	$36,626	$41,704	$37,746	$40,496	$38,987	$43,051
30-39	$61,273	$60,288	$65,818	$62,040	$64,654	$64,102	$67,955
40-49	$62,745	$62,227	$66,613	$62,457	$64,424	$65,396	$70,753
50-59	$57,021	$57,237	$63,028	$58,695	$61,734	$61,263	$65,520
60-69	$50,385	$49,921	$54,104	$51,038	$53,215	$53,509	$57,200
70-79	$41,531	$42,343	$44,921	$38,825	$41,622	$42,887	$46,848
80-89	$26,883	$32,159	$34,977	$27,086	$36,281	$39,646	$43,193
Avg All Ages	$50,198	$48,835	$54,138	$49,669	$52,486	$51,700	$56,242

NOTE: For shared employees only the primary position in a Member Office is reflected.

FY Average Salaries in Member Offices Per Age Bracket

Age	9/30/06	9/30/07	9/30/08
0-19	$15,493	$13,299	$14,280
20-29	$36,626	$37,746	$38,987
30-39	$60,288	$62,040	$64,102
40-49	$62,227	$62,457	$65,396
50-59	$57,237	$58,695	$61,263
60-69	$49,921	$51,038	$53,509
70-79	$42,343	$38,825	$42,887
80-89	$32,159	$27,086	$39,646
Avg All Ages	$48,835	$49,669	$51,700

LY Average Salaries in Member Offices Per Age Bracket

Age	1/2/06	1/2/07	1/2/08	1/2/09
0-19	$17,092	$19,912	$11,076	$27,145
20-29	$38,843	$41,704	$40,496	$43,051
30-39	$61,273	$65,818	$64,654	$67,955
40-49	$62,745	$66,613	$64,424	$70,753
50-59	$57,021	$63,028	$61,734	$65,520
60-69	$50,385	$54,104	$53,215	$57,200
70-79	$41,531	$44,921	$41,622	$46,848
80-89	$26,883	$34,977	$36,281	$43,193
Avg All Ages	$50,198	$54,138	$52,486	$56,242

Average Executive Branch Salaries Per Age Bracket

Age	12/2006	12/2008
<20	$23,059	$24,157
20-24	$34,275	$36,087
25-29	$46,818	$49,784
30-34	$54,918	$59,297
35-39	$61,542	$66,340
40-44	$66,342	$71,119
45-49	$69,016	$74,626
50-54	$70,030	$75,854
55-59	$70,772	$76,470
60-64	$71,928	$77,718
65+	$71,814	$80,486
Avg All Ages	$65,067	$69,854

NOTE: Data extracted from OPM's Central Personnel Data File (CPDF)

3. The MRA account is broken into three different components—personnel, official expenses, and official mail. Once the appropriation is enacted and allocated to Member offices, however, each Member may move money around. Can you tell us how the MRA account overall has grown over the last five years and how this growth has been allocated by Members among the three categories?

Below depicts how the MRA account has grown over the last five years:

	Personnel (Clerk Hire)	Offical Expenses	Official Mail	Total Actuals
2004	$360,282,330	$130,623,335	$28,844,937	$519,750,602
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	$400,723,692	$136,408,784	$15,568,264	$552,700,740
2008	$408,602,238	$154,876,923	$33,151,726	$596,630,887

4. The budget justifications for the MRA account show an increase of 564 FTEs, from 6,936 to 7,500 both for 2009 and 2010. Can you tell us the basis for this increase since the number of authorized positions for Member Offices has not increased?

Members are authorized to have a maximum of 22 positions of which 18 are regular staff positions and 4 positions are for interns, fellows, and shared employees. As a result, the total MRA authorized positions is 9,702 of which 7,938 are regular staff positions and 1,764 are positions for interns, fellows, and shared employees. In FY 2008, there was a total of 6,936 staff on board although the MRA account had been approved for 7,500 positions. In

FY'09, the MRA account has approval for 7,500 positions. In FY'10, there is no increase for the number of approved positions.

Employee Benefits

1. The budget for "Allowances and Expenses" that covers employee benefits is increased by $42 million or 16 percent. About $20 million of this increase appears to be for six new or expanded employee benefits. I would like you to provide an explanation for each new or expanded benefit including a short description of the benefit including the amount of the benefit for individual employees, how the estimated FY 2010 was calculated, and whether the benefit is currently authorized.

2. First, can you tell us whether these benefits such as transit subsidies, tuition reimbursement, and student loan forgiveness are generally available for all employees or is this at the discretion of each member?

	FY 2009 Omnibus	FY 2010 Request	$ Change
Benefits Enhancements Budget (A&E Funds)			
1. Centralized Transit Benefits	$ 2,000,000	$ 7,100,000	$ 5,100,000
2. Parking Benefits	$ -	$ 1,500,000	$ 1,500,000
3. Child Care Subsidy Program	$ 500,000	$ 1,000,000	$ 500,000
4. Student Loan Program	$ 13,000,000	$ 16,000,000	$ 3,000,000
5. Wheels for Wellness	$ -	$ 200,000	$ 200,000
6. Tuition Reimbursement & Professional Dues	$ -	$ 7,500,000	$ 7,500,000
Total Benefits Enhancements Budget	**$ 15,500,000**	**$ 33,300,000**	**$ 17,800,000**

1. **Centralized Transit Benefits** – This program is available to staff in both the DC and District Offices. In DC, this benefit will continue to be managed by DOT. For the District Offices, staff will have to submit a request for payment and will be reimbursed for their commuting costs. The maximum benefit per person is $230/month as of June 2009 up from the prior monthly maximum benefit of $120. Projections for the total cost of the benefit for FY10 were based on the following assumptions: that staff members would increase their benefit to cover actual cost up to the $230 maximum; and that a percentage of staff not currently utilizing the benefit would choose to switch from parking to the transit benefit program. This program is authorized by CHA regulations.

2. **Parking Benefits** – This new program will be available to staff in both the DC and District Offices. In DC, this benefit will continue to be managed through a contractor. For the District Offices, staff will have to submit a request for payment and will be reimbursed for their parking costs. The requested budget was based on the highest daily parking rate at a DC area Metro station for an average of 22 commuting days per month for the number of employees requesting the maximum transit benefits. Eligible employees would be

reimbursed for their actual monthly commuter parking costs up to $230 per month. The program is currently authorized by IRS regulations.

3. **Child Care Subsidy Program** – This program will provide subsidies to staff with children in day care settings. This is in response to a study the CAO managed to explore a range of options to expand child care services to employees. Our intention is for GSA to administer this benefit under contract to the House. The Office Personnel Management has developed a number of models. The CAO has based the proposed House program on the most popular model currently used by Executive Branch agencies which is a variable percentage of a family's total child care costs that the House would pay, linked to total family income. Statutory authority for this program is requested to be included in the administrative provisions of the FY2010 Appropriation.

If Eligible Employee's Family Income.	% of	Maximum Monthly
Up to $30,000	70%	$400
$30,001 - $40,000	60%	$375
$40,001 - $50,000	50%	$350
$50,001 - $60,000	40%	$325
$60,001 - $70,000	30%	$300
Over $70,000	0%	$0

4. **Student Loan Program** – This program will continue to be administered by the CAO and is available to all House staff as agreed to by their employing office. This program is authorized by CHA regulations and the benefits levels were increased effective May 2009.

	Budget	Actual	Variance
FY 2008 Appropriation	$ 11,000,000	$ 10,000,000	$ 1,000,000
FY 2009 Appropriation	$ 13,000,000	TBD	TBD
FY 2010 Request	$ 16,000,000	TBD	TBD

Program Benefit Levels

	FY 2009	FY 2010	Increase
Monthly Maximum per FTE	$ 500	$ 833	$ 333
Yearly Maximum per FTE	$ 6,000	$ 10,000	$ 4,000
Lifetime Maximum per FTE	$ 40,000	$ 60,000	$ 20,000

5. **Wheels for Wellness** – This program will continue to be managed by the CAO. The FY 2010 requested funding allows the CAO to ensure the continuation and maintenance of the program based on the current leasing and maintenance cost. Additionally, the funds allow the CAO to improve the program by transitioning the current bike checkout system to a solar-powered self-checkout system. This improvement is included in the request. There is a no program cost to the employee so there is no dollar benefit provided but rather a physical health and wellness benefit. This program was authorized by CHA.

6. **Tuition Reimbursement and Professional Staff Dues** – This is a new program that will be available to staff in both the DC and District Offices. The program will be managed through a contractor. The distribution of funding will be based on a pro rata share of the total funding

available ($7.5 million) divided by the total Authorized FTEs for the House (10,629) = $705 per FTE. As directed by House Report 110-98, FY 2008, the GAO assessed what authorities are available to the Legislative Branch for providing external training (to include tuition assistance) and how do these compare to authorities available to the Executive Branch. Sections of Title 5 authorize the head of an executive branch agency to develop training policies to provide whatever training is necessary to meet agency mission requirements which includes the authority to pay or reimburse for training toward an academic degree or professional credential.

Standing Committees

1. The funding situation for the Standing Committees is very confusing this year. The authorization for the first session of the 111th Congress that passed on March 31st is actually below the amount we appropriated in February and your estimate of actual obligations this year is even lower than the authorization. Please provide a short description clarifying this situation. In particular tell us how much of the Committee appropriation for FY 2009 do you now expect to be used this year and how much will carryover for use in FY 2010?

   The authorization for the first session of the 111th Congress does not include $10,189,000 which was included in the FY2009 Appropriation request for renovations to the Committee hearing rooms. The appropriation for the operations of the Standing Committees, Special and Select was $143,811,000 as compared to the authorization of $149,633,831. The FY2010 request was an attempt to fund the second session of the 111th Congress at 100% of the anticipated authorization. However, when the authorization was passed, it was $10,096,632 less than anticipated. Taken this into account, the FY2010 budget request can be reduced by this amount so that the appropriation does not exceed the authorization. Further, the CAO is looking more closely at FY2009 projected obligations and what can be carried forward in the second session and looks forward to working with the Chairwoman to further reduce the request.

2. Mr. Beard, the upgrading of Committee rooms to allow webcasting and television coverage is a priority for all of our Committees. Could you provide for the Subcommittee a full analysis of the hearing room renovation and upgrade project including the original estimate of the number of Committee rooms needing such upgrades, the number expected to be completed by the end of FY 2009, the amounts provided for this project over the last several years, and the amounts actually obligated to date. Also give us your estimate of the amounts required to finalize these renovations.

   The broadcast renovation of Committee hearing rooms with an approved enterprise solution started in FY 2003. The funding provided to support this project has been no-year funding

due to many unpredictable schedule drivers that do not lend themselves to single year funding. Please see below for specific answers to the Committee's questions.

a. the original estimate of the number of Committee rooms needing such upgrades,

- There were 21 Committee main hearing rooms and 31 Sub-Committee hearing rooms in need of renovation/upgrade to the approved enterprise solution.

b. the number expected to be completed by the end of FY 2009,

- To date, 15 Committee main hearing rooms and 2 Sub-Committee hearing rooms have been completed with the approved enterprise solution. This does not include the Speaker's Hearing Room (CVC 210) that was completed in April 2009 using CVC funding. There are 6 Committee main hearing rooms and 29 Sub-Committee hearing rooms that remain to be upgraded.
- Before the end of FY 2009, work will have commenced on two additional Committee main hearing rooms and on two additional Sub-Committee hearing rooms (with one of the Sub-Committee hearing rooms scheduled for completion in August 2009). Scheduling issues with individual Committees and other unpredictable schedule drivers such as asbestos abatement makes accurate renovation scheduling predictions challenging.

c. the amounts provided for this project over the last several years,

- A total of $22,989,000 has been provided to the CAO since FY 2003 to support this project. The per year appropriation is listed below:

Fiscal Year	Amount
2003	$ 4,500,000
2004	$ 3,500,000
2005	$ 2,000,000
2006	$ -
2007	$ -
2008	$ 2,000,000
2009	$ 10,189,000
Total	**$ 22,189,000**

d. and the amounts actually obligated to date.

- Of the $12,000,000 specifically appropriated to the CAO for this project between FY 2003 and FY 2008, $11,918,213 has been obligated to date. For FY 2009, $9,500,000 of no-year funding and $689,000 of multi-year funding was provided to Standing Committees, Special and Select to support this project. However, due to the Continuing Resolution and the delay in passing the FY 2009 budget, only $62,521 of the FY 2009 funding has been obligated to date.
- In addition, funding from other sources has been used to support this project. They include (estimated amounts):
    - Individual Committee provided funding: $2,707,500

- AoC funding for infrastructure build and asbestos abatement: $7,154,400
- CAO funding for furniture, carpets and drapes: $600,000

e. Also give us your estimate of the amounts required to finalize these renovations.

- The total estimated amount to complete the remaining 6 Committee main hearing rooms and 29 Sub-Committee hearing rooms is $29,923,000 using the currently approved enterprise solution. It is estimated that it will take until FY 2016 to complete all the renovation work. After expending the remaining FY 2009 funding, it is estimated an additional $20,500,000 of no-year funding will have to be appropriated between FY 2010 and FY 2016 to support this project.
- A potential new addition to the enterprise solution, currently under evaluation, is a touch screen PC/monitor for each Member station. This has been installed in the HPSCI hearing room and in the Speaker's hearing room, both located in the CVC. This new technology needs to be tested in our environment and a determination made as to its value to the Committee. If this new technology is accepted, the increased cost for the 6 remaining main hearing rooms is approximately $1,920,000. Additionally, the 15 other main hearing rooms will need to be retro-fitted with this new technology costing approximately $3,222,000. These costs will bring the total estimated cost to complete the renovation work to $35,065,000.
- A breakdown of the estimated remaining cost is provided below:

Item	Estimated Cost
6 Main Hearing Rooms (including On-site control room and in-room wiring)	$ 5,742,000
29 Sub-Committee Hearing Rooms (including On-site control room and in-room wiring)	$22,098,000
Backbone Wiring	$ 350,000
Broadcast Crash Carts	$ 900,000
3 years of Sustainment/Support/Spare parts	$ 833,000
Sub-Total	$29,923,000
Touch Screen addition for 6 Main Hearing Rooms	$ 1,920,000
Touch Screen retro-fit for 15 Main Hearing Rooms	$ 3,220,000
Total	$35,065,000

Greening the Capitol

1. Mr. Beard, the budget includes a new $10 million proposal to fund energy conservation initiatives. This appears to be a demonstration program to showcase new technologies. Can you give us a bit more details about how these funds would be used, for instance how broad the range of projects is, how they will be chosen and whether vendors

will contribute to the cost associated with the demonstration of their products?

Use of Funds

The CAO has asked for $10 million to "carry out a series of demonstration projects to promote the use of innovative technologies in reducing energy consumption and promoting energy efficiency and cost savings in the House of Representatives". The importance of this funding provides the House the ability to lead by example in changing how energy is used and even its source. The demonstration projects will affect various aspects of House operations and systems-depending on will be carried out in coordination with the House Superintendent and other branches of the AOC's office.

While cost estimates were not volunteered in many of the proposals (it was not requested in the sources sought notice), reasonable estimates made informally by the selection committee put each of the ten projects on a wide range of costs anywhere between $1,000 and $1 million. Because of the pioneering nature of these proposals, it would be difficult to determine costs without further information, which we are in the process of obtaining.

The CAO would use the funds to contract with vendors to install and maintain the selected technologies. Because there is no established market for the targeted technologies, the CAO will thoroughly examine proposals containing cost analyses to ensure proper stewardship of taxpayer dollars.

Selection of Projects

A solicitation for sources sought was circulated [Solicitation Number: GTC-HR6474] in accordance with House procurement policies. The CAO received 36 responses that are being evaluated by the selection committee according to a set of pre-determined selection criteria. These criteria include: level of innovation, commercialization, adoption potential, business impact, energy impact, environmental impact, reliability, maintenance, and decommissioning.

The project selection committee has met twice and is in the process of analyzing the viable projects according to the selection criteria. At the most recent meeting it was determined that more detailed information is required on ten of the proposals, which the committee determined were the most suitable projects based on the legislative direction of the Committee on House Administration.

The proposals received include a wide range of technologies, including: geothermal heat generation, innovative photovoltaic panel design, solid oxide fuel cell energy generation, innovative LED lighting, wind turbine installation, among many others. Several of the submissions were determined to be incomplete or inappropriate based on the solicitation guidelines.

2. You indicated that the Lawrence Livermore DOE lab was being used to evaluate the many initiatives which make up the greening initiatives. Please provide a summary of the role of this lab in the greening program, any costs associated with this contract or agreement, and a summary of any reports which they have issued for the program.

Summary of the role of Lawrence Berkeley National Laboratory in support of the Green the Capitol Program

Lawrence Berkeley National Laboratory (LBNL) is a member of the national laboratory system supported by the U.S. Department of Energy through its Office of Science. It is managed by the University of California (UC) and is charged with conducting unclassified research across a wide range of scientific disciplines.

The CAO engaged LBNL in March 2007 to advise the then-newly formed Green the Capitol Office on a strategy to fulfill Speaker Pelosi's vision for a greener, more energy-efficient House of Representatives that would serve as a superlative example of federal leadership in sustainable operational practices. The contract with LBNL is under the auspices of an Interagency Agreement between the House of Representatives and the Department of Energy. Under the contract, LBNL provides technical assistance in assessing the baseline performance for the U.S. Capitol building complex and recommending phased actions that lead to energy performance levels that aim at the lowest possible carbon emissions from House operations.

The agreement operates as a time and materials contract, open for modification according to the evolving needs of the Green the Capitol program. The scope of the initial phase was to develop a framework for "greening" the House. Specific tasks under this phase included collecting existing baseline data on the U.S. Capitol buildings and physical plant, including its physical characteristics, energy and water consumption, and studies already completed. Under Phase I, LBNL also identified "lessons learned" from other federal building greening programs, identified potential partners in greening for the Green the Capitol office, defined a feasible greening scope (water, landscape, materials, operations, procurement, transportation), and identified and prioritized opportunities for improved efficiency and operations.

In Phase II, beginning in July of 2007, LBNL provided technical and managerial assistance that included energy retrofits, energy management strategies and analysis, hiring contractors for technical assistance, including support staff for CAO greening projects, and coordinating work with U.S. DOE's Federal Energy Management Program and others.

In Phase III, LBNL has continued to provide technical assistance on an ad hoc basis, fitting within the evolving strategic goals of the Green the Capitol program. New tasks for Phase III included answering questions from the Green the Capitol Office, the AoC, and the Inspector General's office regarding efficiency opportunities with regard to the Architect of the Capitol's energy savings performance contract with Noresco. Ongoing tasks have

included identifying new opportunities for energy savings in the Capitol Power Plant and advising the Green the Capitol Office in communication and coordination with the Architect of the Capitol on many common efficiency efforts. Subcontractor support from LBNL has included work with ITRON, one of the country's leading providers of solid-state meters (electricity, water, steam, chilled water, etc.) and data/collection communication systems. This effort has supported both the CAO and the AoC, specifically in regards to helping the AoC with their new meter installation and helping AoC learn how to most effectively create reports within the Cognos system (Cognos is the AoC system to share reports from the new building meters). Another significant subcontractor with LBNL has included TA Engineering, a company that has provided support to the AoC with a project focused on improving the Capitol Power Plant steam distribution system. Throughout Phase III, LBNL has also provided recommendations for best practices for HVAC (heating, ventilation, and air conditioning) retrofits, including but not limited to VAV (variable air volume) control overlays, duct sealing, and commissioning. Other areas of support have included: Capitol Power Plant fuel usage analysis, green cleaning recommendations, Energy Star and EPEAT purchasing recommendations, green procurement advice, computer power management recommendations, night lighting policy recommendations, and much more.

Through April 2009, the total cost of the LBNL agreement through the Department of Energy is $1,344,480 over three years.

Summary of Reports and Technical Memos prepared for the Green the Capitol Initiative

Published Papers and Reports

1. Rick Diamond, Christopher Payne, (LBNL) and Grant Scherling, (CAO), 2008, "Greening the U.S. House of Representatives. Published in the *Proceedings* of the ACEEE Summer Study on Energy Efficiency in Buildings, American Council for an Energy Efficient Economy, Washington DC. LBNL-322E.
2. Diamond, Rick et al. 2007. *Green the Capitol Initiative, Final Report*. A special report for the Chief Administrative Officer of the U.S. House of Representatives, Washington DC. Lawrence Berkeley National Laboratory, LBID-2605.

Draft Technical Memos and Unpublished Reports

1. Christopher Payne and Rick Diamond, LBNL, *Additional Notes on Converting the Capitol Power Plant to 100% Natural Gas and the House Attributable Decrease in Coal Consumption in 2008*, Draft Technical Memo, February 18, 2009 [CPP and natural gas2.doc]
2. Erin Claybaugh and Christopher Payne, LBNL, *Night Lighting Baseline Protocol*, Draft Technical Memo, April 3, 2009. [Night Lighting Baseline Protocol v2.doc]
3. Tom Wenzel, Barbara Atkinson, Christopher Payne, and Rick Diamond, *Carbon Footprint for House Travel and District Offices*, Draft Technical Memo, Update: May 9, 2008. [House office+travel UPDATE.doc]
4. Rick Diamond, Christopher Payne, LBNL, *Achieving Carbon Neutrality vs. Reducing the House Carbon Footprint*, Draft Technical Memo, December 21, 2008. [Carbon_Memo-RD.doc]
5. Rick Diamond, Craig Wray, Francis Rubinstein, Steve Greenberg, Chris Payne, Erin Claybaugh, LBNL, *Comments on the NORESCo 10/15/08 Detailed Energy Survey for*

the House Office Buildings, Draft Technical Memo, October 28, 2008, [LBNL Comments on the NORESCo.doc]

6. Christopher Payne, LBNL, *Lighting savings from Off Hour Reductions*, Draft Technical Memo, October 13, 2008. [CTP lighting savings.doc]
7. Rick Diamond, LBNL, *Comments on Ameresco's "Initial Proposal for Energy Savings Performance Contract at the Architect of the Capitol: Capitol Grounds" dated April 21, 2008*, Draft Technical Memo, September 8, 2008. [Comments on Ameresco.doc]
8. Peter Biermayer, LBNL, *Savings due to replacing old venders with Energy Star Tier II vending machines*. Draft Technical Memo, May 9, 2008. [Savings due to replacing old machines with Energy Star Tier II vending machines-v2.doc]
9. Peter Biermayer, LBNL, *Savings Estimate for Selected Food Service Efficiency Measures*, Draft Technical Memo, May 9, 2008. [Preliminary savings estimate for selected food service efficiency measures-v3.doc]
10. Peter Biermayer, LBNL, *House Food Service Energy Consumption Report*, Draft Technical Memo, May 9, 2008. [Food Service Energy Consumption Repor-pjb-v5.doc]
11. Charles A. Cannon, Options for Reducing the House of Representatives Wastestream through Organic Waste Recovery and Other Means, Consultant Report, June 30, 2008. [Final Report 6-30-2008.doc]
12. Mark Modera, Craig Wray, Darryl Dickerhoff, LBNL, *House Office Buildings: January 2008 Duct Leakage and Airflow Test Results*, Draft Technical Memo February 12, 2008, [Jan 2008 HOB Duct Leakage Tests - Results Memo.doc]
13. Rick Diamond, LBNL, *Memorandum on the Flue-gas Stacks at the Capitol Power Plan*, Draft Technical Memo, October 23, 2007. [CPP stack memo.doc]

Presentations and Talks

1. Beard, Dan [presented by Rick Diamond, LBNL] May 2009. "Greening an American Landmark," presentation at the *2009 National Environmental Partnership Summit*, San Francisco, California.
2. Beard, Dan, Christopher Payne, and Rick Diamond [presented by Christopher Payne, LBNL] November 2008. "The Behavior Side of Greening the Capitol," presentation at the *2008 Behavior, Energy and Climate Change Conference*, Sacramento, California.

Food Services

3. Part of the cost structure in the cafeteria is attributed to the 3 percent "commission" paid by the food services contractor to the House which goes into a revolving fund. Can you submit for the record a summary of the total amount of these commissions last two years and how these funds were used.

In mid-December 2007, Restaurant As sociates took over as the food services contractor. Below is a record of the commissions:

Calendar Year 2008 Commissions:		
Cafeteria Commission (3%)	$ 287,162.56	
Catering Comission (10%)	$ 492,150.09	
Vending Commission (31%)	$ 280,175.16	
Total Calendar Year 2008 Comissions:		**$ 1,059,487.81**
Calendar Year 2008 Adjustment to Commissions:	$ 649,908.97	
Total Revenues deposited in House Services Revolving Fund:		**$ 409,578.85**
YTD Calendar Year 2009 Commissions:		
Cafeteria Commission (3%)	$ 52,885.34	
Catering Comission (10%)	$ 121,541.11	
Vending Commission (31%)	$ 44,574.68	
Total YTD Calendar Year 2009 Comissions:		**$ 219,001.13**
YTD Calendar Year 2009 Adjustment to Commissions:	$ 61,765.29	
Total Revenues deposited in House Services Revolving Fund:		**$ 157,235.84**
Total Revenues Received:		**$ 566,814.69**

Additionally, below are the current Authorizations for Food Services:

Current/Planned Obligations	Approps Approval on	Total Estimated Cost	YTD Obligations / Expenditures	Remaining Planned Obligations
Transition to a New Food Service Contractor	**10/19/2007**	**$ 165,000**	**$ 163,353**	**$ 1,647**
Admin Assistant		$ 50,000	$ 50,000	$ -
Food Services Consultants		$ 100,000	$ 100,000	$ -
Food Services Equipment Inventory Assistance		$ 15,000	$ 13,353	$ 1,647
Transition to a New Food Service Contractor	**1/17/2008**	**$ 620,000**	**$ 521,765**	**$ 98,235**
GSI Reimbursement for un-depreciated assets		$ 270,000	$ 185,277	$ 84,723
Composting		$ 60,000	$ 120,000	$ (60,000)
Sanitation and deep cleaning of facilities		$ 30,000	$ 15,451	$ 14,549
Replacement Chairs for Longworth and Rayburn		$ 50,000	$ 45,807	$ 4,193
Greening Equip - pulping, energy efficient equipment, & compost supplies		$ 210,000	$ 155,230	$ 54,770
Food Services Authorization Letter	**2/3/2009**	**$ 420,000**	**$ 212,075**	**$ 207,925**
Freedom Pay fees		$ 7,600	$ 7,552	$ 48
Restaurant Associates reimbursement		$ 2,400	$ 2,393	$ 8
Composting		$ 180,000	$ 40,000	$ 140,000
Greening Equip - pulping, energy efficient equipment, & compost supplies		$ 230,000	$ 162,131	$ 67,869
Total Current/Planned Obligations:		**$ 1,205,000**	**$ 897,193**	**$ 307,807**

Wounded Warrior

1. Can you update the Subcommittee on the current status of the new wounded warrior program and your plans for FY 2010?

   From the original 25 FTEs allocated for FY 2009, 11 Fellows have been hired into the House Wounded Warrior program. Nine Congressional offices are in the process of interviewing candidates for positions nationwide and we are awaiting position descriptions for the 5 remaining fellowships. All but one of the Fellows is located in a district office and all but one are working as Constituent Caseworkers, primarily assisting local veterans with the resolution of various issues. An additional 25 FTEs were requested for FY 2010 but increased interest from Members has prompted the CAO to request all of these positions sooner.

2. Doing these wounded warrior placements properly is a difficult process, which I know has somewhat delayed the start of the program. Based on your experience to date, how much of the $2.5 million provided for FY 2009 do you expect will be used this years and how much will carry over to cover a part of program costs in 2010?

   Through the first ten months of the program, the CAO has learned a significant amount regarding the selection and support of the Wounded Warrior Fellows working in Member offices. While interest has been high, actually bringing the veterans on board has been slower than anticipated. Factors include the time needed to obtain position descriptions from interested Member offices, matching the Member office's requirement to the availability of the Fellow, and the actual placement of the Fellow in the Member office. For that reason, the $2.5 million requested in FY 2009 will carry the program through FY 2010. However, as mentioned above, new FTEs will be needed. The CAO looks forward to providing a new request in FY 2011.

Cell/Blackberry Coverage in House Expansion Space

1. Mr. Beard, it's my understanding that the CVC House Expansion Space doesn't have in-building cellular or blackberry coverage.

   - Why wasn't this coverage built into the House Expansion Space when it was under construction?

   Unlike the Senate, the House does not own the in-building cell system. The House has signed a beneficial use license with the wireless carrier consortium and the carriers' consortium collectively owns the system. The current license covers the House office buildings and the House side of the Capitol. The House Expansion Space of the Capitol

Visitor Center (CVC) is not on the current license but can be added with a License Addendum, which the CAO is actively pursuing.

The House allows the carriers to put the in-building cellular system in House office buildings. All installations are being done at the cost of the cell phone providers with no direct cost to the House. The consortium has installed an in-building cellular system with Cell and Blackberry coverage for: Rayburn, Cannon, Longworth, the Ford basement and first floor, the walkway tunnels to the Capitol, and HC-5.

The CVC House Expansion Space construction did not include an in-building cellular system during construction because an active, formal License agreement between the CAO and Wireless Providers was not in place at the time. The previous license agreement had been cancelled by the CAO due to alleged and perceived contract irregularities.

- Why do the CVC core space and the Senate Expansion Space have wireless coverage, but the House Expansion Space does not?

The Senate in-building cellular system by design covers the CVC Senate Expansion space and CVC Core. The Senate paid for and installed an in-building cellular system during CVC construction. Having the Senate extend their system to the House Expansion Space was explored, but the Senate was concerned about capacity and addressing Representative issues.

- What are you doing to get this coverage in place now? How long will that take and how much will it cost?

The CAO is working to amend the current CAO-Wireless Provider license and add the CVC House Expansion Space. CAO/HIR Engineers are working out the security and design details with the U.S. Capitol Police and Architect of the Capitol (AOC). A detailed Radio Frequency (RF) penetration-loss study is needed to determine the range of cellular coverage with respect to infringement of secure areas.

There will be no cost to the House as the wireless carrier consortium will bear the costs. Additionally, the AOC will be responsible for providing building infrastructure to support the system. For design approval, delivery of materials, installation and integration, the CAO is planning for the system to be operational by the end of 2009. Several critical schedule dependencies include: RF Penetration-loss Study, USCP approval of design from a security standpoint, preparation of CVC license addendum exhibits, wireless Consortium approval of funds, and AOC support for pathway and infrastructure.

- Are you doing anything in the interim to extend coverage to the House Expansion Space?

The CAO, AOC, and USCP are working with the cell-phone carriers, to assess whether a temporary solution could be extended from the Capitol. Specifically, the technical representatives are looking into how to immediately address the current Leadership requests for improving the Capitol and CVC House Expansion Space coverage issues in

advance of the license addendum approval. The Leadership requests specifically address the Speaker meeting rooms (HVC-215A/B).

Additional questions for the Record

1. Please provide a table showing the authorization, the enacted appropriations and the unobligated balances (or transfers to deficit reduction or other accounts at end of year) for each of the House of Representatives accounts for the last five years. This should include the best estimate possible for FY 2009 based on current levels of obligations.

   See attached tables.

2. Please provide for the staff at your earliest convenience a history of each of the administrative provisions in the House of Representatives budget.

   Will be submitting this answer separately.

3. Section 205 of the current legislative Branch appropriations bill provides an indefinite appropriation for awards and settlements. Has this provision been used in the last ten years? If so please provide a summary of amounts made available.

   We are not aware of any use by the House of this provision to date.

4. What assumptions are reflected in the House requests related to the January 2010 pay increase?

   The House request includes an assum ption of a 2.9% Cost of Living Adjustment for 2010. This request was included per S. Con. Res. 13, FY2010 Budget Resolution, Section 604 which included a Sense of Congress regarding pay parity between the uniformed military and federal civilians. According to the FY2010 Budget document, entitled "Jumpstarting the Economy and Investing for the Future, a 2.9% pay increase is recommended for the uniformed military, and this is what is reflected in the House request. It is important to note that each year the budgeted COLA does not include the locality pay.

Leadership - Office of the Speaker
Five-Year Comparative Table

Year	Authorization (LY)	Appropriation (FY)	Reprogramming	YTD Remaining Balance
2004	NA	$ 2,630,000	$ (63,000)	$ 388,021
2005	NA	$ 2,708,000	$ -	$ 646,226
2006	NA	$ 2,788,000	$ (207,000)	$ 4,663
2007	NA	$ 4,614,000	$ (750,000)	$ 73,794
2008	NA	$ 4,249,000	$ (500,000)	$ 82,992
2009	NA	$ 4,879,000	NA	NA

*All remaining balances from FY2004-FY2006 have been returned to the US Treasury via the Surplus Warrant by Fund and Treasury Symbol

Note: FY2008 includes a recission totaling ($12,000) per P.L. 110-161

Leadership - Office of the Majority Floor Leader
Five-Year Comparative Table

Year	Authorization (LY)	Appropriation (FY)	Reprogramming	YTD Remaining Balance
2004	NA	$ 1,965,000	$ -	$ 5,369
2005	NA	$ 2,027,000	$ -	$ 20,201
2006	NA	$ 2,089,000	$ -	$ 39,441
2007	NA	$ 2,108,000	$ (48,000)	$ 1,891
2008	NA	$ 2,382,000	$ -	$ 17,771
2009	NA	$ 2,436,000	NA	NA

*All remaining balances from FY2004-FY2006 have been returned to the US Treasury via the Surplus Warrant by Fund and Treasury Symbol

Note: FY2008 includes a recission totaling ($6,000) per P.L. 110-161

Leadership - Office of the Minority Floor Leader
Five-Year Comparative Table

Year	Authorization (LY)	Appropriation (FY)	Reprogramming	YTD Remaining Balance
2004	NA	$ 2,756,000	$ (13,000)	$ 10,204
2005	NA	$ 2,840,000	$ -	$ 102,855
2006	NA	$ 2,928,000	$ (500,000)	$ 36,655
2007	NA	$ 3,953,000	$ -	$ 1,147,427
2008	NA	$ 3,779,000	$ (500,000)	$ 1,166,961
2009	NA	$ 4,390,000	NA	NA

*All remaining balances from FY2004-FY2006 have been returned to the US Treasury via the Surplus Warrant by Fund and Treasury Symbol

Note: FY2008 includes a recission totaling ($11,000) per P.L. 110-161

Leadership - Office of the Majority Whip
Five-Year Comparative Table

Year	Authorization (LY)	Appropriation (FY)	Reprogramming	YTD Remaining Balance
2004	NA	$ 1,684,000	$ -	$ 12,652
2005	NA	$ 1,741,000	$ -	$ 30,260
2006	NA	$ 1,797,000	$ 50,000	$ 9,472
2007	NA	$ 1,813,000	$ -	$ 3,106
2008	NA	$ 1,889,000	$ -	$ 32,943
2009	NA	$ 2,115,000	NA	NA

*All remaining balances from FY2004-FY2006 have been returned to the US Treasury via the Surplus Warrant by Fund and Treasury Symbol

Note: FY2008 includes a recission totaling ($5,000) per P.L. 110-161

Leadership - Office of the Democratic Whip
Five-Year Comparative Table

Year	Authorization (LY)	Appropriation (FY)	Reprogramming	YTD Remaining Balance
2004	NA	$ 1,259,000	$ -	$ 3,927
2005	NA	$ 1,303,000	$ -	$ 20,416
2006	NA	$ 1,345,000	$ 50,000	$ 18,941
2007	NA	$ 1,358,000	$ -	$ 5,341
2008	NA	$ 1,416,000	$ -	$ 8,726
2009	NA	$ 1,630,000	NA	NA

*All remaining balances from FY2004-FY2006 have been returned to the US Treasury via the Surplus Warrant by Fund and Treasury Symbol

Note: FY2008 includes a recission totaling ($4,000) per P.L. 110-161

Leadership - Speaker's Office for Legislative Floor Activities
Five-Year Comparative Table

Year	Authorization (LY)	Appropriation (FY)	Reprogramming	YTD Remaining Balance
2004	NA	$ 460,000	$ 8,000	$ 750
2005	NA	$ 470,000	$ -	$ 4,550
2006	NA	$ 482,000	$ 7,000	$ 225
2007	NA	$ 487,000	$ -	$ 198
2008	NA	$ 498,000	$ -	$ 175
2009	NA	$ 501,000	NA	NA

*All remaining balances from FY2004-FY2006 have been returned to the US Treasury via the Surplus Warrant by Fund and Treasury Symbol

Note: FY2008 includes a recission totaling ($1,000) per P.L. 110-161

Leadership - Republican Steering Committee
Five-Year Comparative Table

Year	Authorization (LY)	Appropriation (FY)	Reprogramming	YTD Remaining Balance
2004	NA	$ 862,000	$ -	$ 28,996
2005	NA	$ 881,000	$ -	$ 186,090
2006	NA	$ 906,000	$ (300,000)	$ 7,022
2007	NA	$ 915,000	$ -	$ 635,830
2008	NA	$ 941,000	$ -	$ 249,546
2009	NA	$ 950,000	NA	NA

*All remaining balances from FY2004-FY2006 have been returned to the US Treasury via the Surplus Warrant by Fund and Treasury Symbol

Note: FY2008 includes a recission totaling ($2,000) per P.L. 110-161

Leadership - Republican Conference
Five-Year Comparative Table

Year	Authorization (LY)	Appropriation (FY)	Reprogramming	YTD Remaining Balance
2004	NA	$ 1,448,000	$ -	$ 138,755
2005	NA	$ 1,500,000	$ -	$ 27,107
2006	NA	$ 1,548,000	$ -	$ 46,344
2007	NA	$ 1,631,000	$ -	$ 218,564
2008	NA	$ 1,627,000	$ -	$ 389,754
2009	NA	$ 1,777,000	NA	NA

*All remaining balances from FY2004-FY2006 have been returned to the US Treasury via the Surplus Warrant by Fund and Treasury Symbol

Note: FY2008 includes a recission totaling ($4,000) per P.L. 110-161

Leadership - Republican Policy
Five-Year Comparative Table

Year	Authorization (LY)	Appropriation (FY)	Reprogramming	YTD Remaining Balance
2004	NA	NA	NA	NA
2005	NA	NA	$ 300,000	$ 14,354
2006	NA	$ 307,000	$ -	$ 42,513
2007	NA	$ 310,000	$ -	$ 51,326
2008	NA	$ 324,000	$ -	$ 14,898
2009	NA	$ 337,000	NA	NA

*All remaining balances from FY2004-FY2006 have been returned to the US Treasury via the Surplus Warrant by Fund and Treasury Symbol

Note: FY2008 includes a rescission totaling ($1,000) per P.L. 110-161
The Republican Policy Committee was established by Sec. 109 P.L. 108-447 of the "Leglisative Branch Appropriations Act of Fiscal Year 2005"

Leadership - Democratic Steering and Policy Committee
Five-Year Comparative Table

Year	Authorization (LY)	Appropriation (FY)	Reprogramming	YTD Remaining Balance
2004	NA	$ 1,542,000	$ -	$ 3,396
2005	NA	$ 1,589,000	$ 300,000	$ 349,230
2006	NA	$ 1,945,000	$ -	$ 38,128
2007	NA	$ 1,232,000	$ (129,000)	$ 17,673
2008	NA	$ 1,292,000	$ -	$ 33,925
2009	NA	$ 1,315,000	NA	NA

*All remaining balances from FY2004-FY2006 have been returned to the US Treasury via the Surplus Warrant by Fund and Treasury Symbol

Note: FY2008 includes a rescission totaling ($3,000) per P.L. 110-161

Leadership - Democratic Caucus
Five-Year Comparative Table

Year	Authorization (LY)	Appropriation (FY)	Reprogramming	YTD Remaining Balance
2004	NA	$ 768,000	$ -	$ 34,673
2005	NA	$ 792,000	$ -	$ 50,966
2006	NA	$ 816,000	$ -	$ 4,931
2007	NA	$ 1,555,000	$ (106,000)	$ 10,222
2008	NA	$ 1,600,000	$ -	$ 11,311
2009	NA	$ 1,749,000	NA	NA

*All remaining balances from FY2004-FY2006 have been returned to the US Treasury via the Surplus Warrant by Fund and Treasury Symbol

Note: FY2008 includes a rescission totaling ($4,000) per P.L. 110-161

Leadership - Nine Minority Employees
Five-Year Comparative Table

Year	Authorization (LY)	Appropriation (FY)	Reprogramming	YTD Remaining Balance
2004	NA	$ 1,380,000	$ 8,000	$ 85,490
2005	NA	$ 1,409,000	$ -	$ 15,263
2006	NA	$ 1,445,000	$ -	$ 26,634
2007	NA	$ 1,459,000	$ -	$ 99,015
2008	NA	$ 1,494,000	$ -	$ 603,414
2009	NA	$ 1,502,000	NA	NA

*All remaining balances from FY2004-FY2006 have been returned to the US Treasury via the Surplus Warrant by Fund and Treasury Symbol

Note: FY2008 includes a rescission totaling ($4,000) per P.L. 110-161

Leadership - Training and Program Development - Republican
Five-Year Comparative Table

Year	Authorization (LY)	Appropriation (FY)	Reprogramming	YTD Remaining Balance
2004	NA	$ 290,000	$ -	$ 417
2005	NA	$ 290,000	$ -	$ 94,153
2006	NA	$ 290,000	$ -	$ 3,806
2007	NA	$ 290,000	$ -	$ 264,444
2008	NA	$ 289,000	$ (5,000)	$ 119,333
2009	NA	$ 290,000	NA	NA

*All remaining balances from FY2004-FY2006 have been returned to the US Treasury via the Surplus Warrant by Fund and Treasury Symbol

Note: FY2008 includes a rescission totaling ($1,000) per P.L. 110-161

Leadership - Training and Program Development - Democratic
Five-Year Comparative Table

Year	Authorization (LY)	Appropriation (FY)	Reprogramming	YTD Remaining Balance
2004	NA	$ 290,000	$ -	$ 203
2005	NA	$ 290,000	$ -	$ 853
2006	NA	$ 290,000	$ -	$ 19,162
2007	NA	$ 290,000	$ (5,000)	$ 973
2008	NA	$ 289,000	$ -	$ 689
2009	NA	$ 290,000	NA	NA

*All remaining balances from FY2004-FY2006 have been returned to the US Treasury via the Surplus Warrant by Fund and Treasury Symbol

Note: FY2008 includes a rescission totaling ($1,000) per P.L. 110-161

Leadership - Cloakroom Personnel - Majority
Five-Year Comparative Table

Year	Authorization (LY)	Appropriation (FY)	Reprogramming	YTD Remaining Balance
2004	NA	$ 404,000	$ -	$ 8,750
2005	NA	$ 419,000	$ -	$ 75,656
2006	NA	$ 434,000	$ -	$ 4,125
2007	NA	$ 438,000	$ -	$ 954
2008	NA	$ 459,000	$ -	$ 321
2009	NA	$ 476,000	NA	NA

*All remaining balances from FY2004-FY2006 have been returned to the US Treasury via the Surplus Warrant by Fund and Treasury Symbol

Note: FY2008 includes a rescission totaling ($1,000) per P.L. 110-161

Leadership - Cloakroom Personnel - Minority
Five-Year Comparative Table

Year	Authorization (LY)	Appropriation (FY)	Reprogramming	YTD Remaining Balance
2004	NA	$ 404,000	$ -	$ 490
2005	NA	$ 419,000	$ -	$ 1,131
2006	NA	$ 434,000	$ -	$ 2,235
2007	NA	$ 438,000	$ -	$ 127,446
2008	NA	$ 459,000	$ -	$ 237,950
2009	NA	$ 476,000	NA	NA

*All remaining balances from FY2004-FY2006 have been returned to the US Treasury via the Surplus Warrant by Fund and Treasury Symbol

Note: FY2008 includes a rescission totaling ($1,000) per P.L. 110-161

Members' Representational Allowances
Five-Year Comparative Table

Year	Authorization (LY)	Appropriation (FY)	Reprogramming	YTD Remaining Balance
2004	$ 543,771,638	$ 514,454,000	$ 6,300,000	$ 1,003,398
2005	$ 563,068,979	$ 542,109,000	$ 3,000,000	$ 3,024,698
2006	$ 588,024,837	$ 534,109,000	$ 34,160,000	$ 36,549
2007	$ 597,359,155	$ 554,716,000	$ -	$ 2,013,879
2008	$ 613,782,420	$ 579,548,000	$ 17,716,000	$ 638,119
2009	$ 655,007,646	$ 609,000,000	NA	NA

*All remaining balances from FY2004-FY2006 have been returned to the US Treasury via the Surplus Warrant by Fund and Treasury Symbol

Note: FY2005 includes a supplemental of $20,460,000 per P.L. 109-13 and a rescission totaling ($3,000,000) per P.L. 108-447
Note: FY2006 includes a rescission totaling ($8,000,000) per P.L. 109-148
Note: FY2008 includes a rescission totaling ($1,452,000) per P.L. 110-161

Standing Committees, Special and Select
Five-Year Comparative Table

Year	Authorization (LY)	Appropriation (FY)	Reprogramming	YTD Remaining Balance
2004	$ 119,588,808	$ 97,445,662	$ (840,000)	$ 696,240
2005	$ 125,600,690	$ 114,649,000	$ (50,000)	$ 86,586
2006	$ 132,316,672	$ 116,903,930	$ 4,000,000	$ 313,218
2007	$ 138,218,281	$ 124,406,000	$ 1,816,667	$ 32,536
2008	$ 142,316,209	$ 132,668,000	$ 2,700,000	$ 2,878,672
2009	$ 149,633,831	$ 154,000,000	NA	NA

*All remaining balances from FY2004-FY2005 have been returned to the US Treasury via the Surplus Warrant by Fund and Treasury Symbol

Note: FY2004 includes a rescission totaling ($4,985,338) per P.L. 108-199
Note: FY2005 includes a supplemental of $7,000,000 per P.L. 109-13 and a rescission totaling ($800,000) per P.L. 108-447
Note: FY2006 includes a rescission totaling ($1,009,070) per P.L. 109-148
Note: FY2008 includes a rescission totaling ($332,000) per P.L. 110-161
Note: FY2009 includes Hearing Room Renovations funding totaling ($9,500,000) per P.L. 111-8

Committee on Appropriations
Five-Year Comparative Table

Year	Authorization (LY)	Appropriation (FY)	Reprogramming	YTD Remaining Balance
2004	NA	$ 24,926,000	$ (6,300,000)	$ 126,750
2005	NA	$ 24,926,000	$ -	$ 149,789
2006	NA	$ 25,668,000	$ 600,000	$ 313,218
2007	NA	$ 25,866,000	$ 3,850,000	$ 2,560
2008	NA	$ 28,119,490	$ (1,600,000)	$ 20,105
2009	NA	$ 31,300,000	NA	NA

*All remaining balances from FY2004-FY2005 have been returned to the US Treasury via the Surplus Warrant by Fund and Treasury Symbol

Note: FY2005 includes a rescission totaling ($200,000) per P.L. 108-447
Note: FY2008 includes a rescission totaling ($80,510) per P.L. 110-161 and a prior year unobligated balance of ($2,403,700)

Salaries, Officers and Employees - Office of the Clerk
Five-Year Comparative Table

Year	Authorization (LY)	Appropriation (FY)	Reprogramming	YTD Remaining Balance
2004	NA	$ 19,452,000	$ 820,000	$ 1,211,671
2005	NA	$ 20,534,000	$ -	$ 138,588
2006	NA	$ 21,911,000	$ (2,972,023)	$ 78,419
2007	NA	$ 21,676,000	$ -	$ 416,562
2008	NA	$ 22,367,000	$ 103,000	$ 271,793
2009	NA	$ 27,457,000	NA	NA

*All remaining balances from FY2004-FY2006 have been returned to the US Treasury via the Surplus Warrant by Fund and Treasury Symbol

Note: FY2008 includes a rescission totaling ($56,000) per P.L. 110-161

Salaries, Officers, and Employees - Office of the Sergeant at Arms
Five-Year Comparative Table

Year	Authorization (LY)	Appropriation (FY)	Reprogramming	YTD Remaining Balance
2004	NA	$ 5,471,000	$ -	$ 146,966
2005	NA	$ 5,879,000	$ (100,000)	$ 196,783
2006	NA	$ 6,284,000	$ (100,000)	$ 198,528
2007	NA	$ 6,295,000	$ -	$ 4,590
2008	NA	$ 6,866,000	$ (10,000)	$ 49,959
2009	NA	$ 8,355,000	NA	NA

*All remaining balances from FY2004-FY2006 have been returned to the US Treasury via the Surplus Warrant by Fund and Treasury Symbol

Note: FY2008 includes a rescission totaling ($18,000) per P.L. 110-161

Salaries, Officers, and Employees - Office of the Chief Administrative Officer
Five-Year Comparative Table

Year	Authorization (LY)	Appropriation (FY)	Reprogramming	YTD Remaining Balance
2004	NA	$ 111,141,000	$ 1,262,896	$ 2,271,604
2005	NA	$ 116,630,352	$ 1,785,000	$ 1,509,501
2006	NA	$ 121,471,000	$ 890,023	$ 1,234,347
2007	NA	$ 106,064,000	$ -	$ 215,864
2008	NA	$ 114,267,000	$ (20,530)	$ 188,536
2009	NA	$ 125,838,000	NA	NA

*All remaining balances from FY2004-FY2006 have been returned to the US Treasury via the Surplus Warrant by Fund and Treasury Symbol

Note: In FY2004-2006, BCDR is included in the numbers above. It was separated from the CAO and assigned to Allowances and Expenses appropriations title in FY2007.
Note: FY2005 includes a supplemental of $4,985,000 per P.L. 109-13 and a rescission totaling ($4,388,648,000) per P.L. 108-447
Note: FY2008 includes a rescission totaling ($286,000) per P.L. 110-161

Salaries, Officers, and Employees - Office of the Inspector General
Five-Year Comparative Table

Year	Authorization (LY)	Appropriation (FY)	Reprogramming	YTD Remaining Balance
2004	NA	$ 3,847,000	$ -	$ 610,969
2005	NA	$ 3,986,000	$ (100,000)	$ 98,738
2006	NA	$ 3,991,000	$ (100,000)	$ 97,956
2007	NA	$ 4,016,000	$ -	$ 234,913
2008	NA	$ 4,357,000	$ -	$ 136,889
2009	NA	$ 4,945,000	NA	NA

*All remaining balances from FY2004-FY2006 have been returned to the US Treasury via the Surplus Warrant by Fund and Treasury Symbol

Note: FY2008 includes a rescission totaling ($11,000) per P.L. 110-161

SOE - Office of Emergency Planning, Preparedness and Operations
Five-Year Comparative Table

Year	Authorization (LY)	Appropriation (FY)	Reprogramming	YTD Remaining Balance
2004	NA	$ 5,200,000	$ (250,000)	$ -
2005	NA	$ 1,000,000	$ -	$ -
2006	NA	$ 4,000,000	$ (1,000,000)	$ -
2007	NA	$ 4,010,000	$ -	$ -
2008	NA	$ 3,041,000	$ -	$ -
2009	NA	$ 3,974,000	NA	NA

*All remaining balances rolled forward as funding is all no-year

Note: FY2006 includes a rescission totaling ($1,000,000) per P.L. 109-148
Note: FY2008 includes a rescission totaling ($8,000) per P.L. 110-161

Salaries, Officers, and Employees - Office of the General Counsel
Five-Year Comparative Table

Year	Authorization (LY)	Appropriation (FY)	Reprogramming	YTD Remaining Balance
2004	NA	$ 926,000	$ -	$ 64,097
2005	NA	$ 962,000	$ (50,000)	$ 81,869
2006	NA	$ 962,000	$ -	$ 54,451
2007	NA	$ 968,000	$ 20,530	$ 11,615
2008	NA	$ 1,175,000	$ (50,000)	$ 46,900
2009	NA	$ 1,357,000	NA	NA

*All remaining balances from FY2004-FY2006 have been returned to the US Treasury via the Surplus Warrant by Fund and Treasury Symbol

Note: FY2008 includes a rescission totaling ($3,000) per P.L. 110-161

Salaries, Officers, and Employees - Office of the Chaplin
Five-Year Comparative Table

Year	Authorization (LY)	Appropriation (FY)	Reprogramming	YTD Remaining Balance
2004	NA	$ 153,000	$ 3,000	$ 250
2005	NA	$ 155,000	$ 5,000	$ 400
2006	NA	$ 161,000	$ 2,000	$ 75
2007	NA	$ 163,000	$ 1,200	$ 103
2008	NA	$ 166,000	$ 800	$ 12
2009	NA	$ 173,000	NA	NA

*All remaining balances from FY2004-FY2006 have been returned to the US Treasury via the Surplus Warrant by Fund and Treasury Symbol

Salaries, Officers, and Employees - Office of the Parliamentarian
Five-Year Comparative Table

Year	Authorization (LY)	Appropriation (FY)	Reprogramming	YTD Remaining Balance
2004	NA	$ 1,560,000	$ (43,000)	$ 222,231
2005	NA	$ 1,673,000	$ (200,000)	$ 240,451
2006	NA	$ 1,767,000	$ (420,000)	$ 74,965
2007	NA	$ 1,778,000	$ -	$ 402,956
2008	NA	$ 1,794,000	$ (159,000)	$ 38,119
2009	NA	$ 2,007,000	NA	NA

*All remaining balances from FY2004-FY2006 have been returned to the US Treasury via the Surplus Warrant by Fund and Treasury Symbol

Note: Includes Compilation of Precedents
Note: FY2008 includes a rescission totaling ($5,000) per P.L. 110-161

Salaries, Officers, and Employees - Office of the Law Revision Counsel of the House
Five-Year Comparative Table

Year	Authorization (LY)	Appropriation (FY)	Reprogramming	YTD Remaining Balance
2004	NA	$ 2,263,000	$ -	$ 32,531
2005	NA	$ 2,346,000	$ (140,000)	$ 15,951
2006	NA	$ 2,453,000	$ -	$ 8,606
2007	NA	$ 2,472,000	$ -	$ 30,822
2008	NA	$ 2,932,000	$ (85,000)	$ 41,322
2009	NA	$ 3,057,000	NA	NA

*All remaining balances from FY2004-FY2006 have been returned to the US Treasury via the Surplus Warrant by Fund and Treasury Symbol

Note: FY2008 includes a rescission totaling ($7,000) per P.L. 110-161

Salaries, Officers, and Employees - Office of the Legislative Counsel of the House
Five-Year Comparative Table

Year	Authorization (LY)	Appropriation (FY)	Reprogramming	YTD Remaining Balance
2004	NA	$ 6,233,000	$ -	$ 21,251
2005	NA	$ 6,721,000	$ (100,000)	$ 97,376
2006	NA	$ 6,963,000	$ (120,000)	$ 2,085
2007	NA	$ 7,025,000	$ -	$ 240,338
2008	NA	$ 7,240,000	$ (95,000)	$ 85,513
2009	NA	$ 8,337,000	NA	NA

*All remaining balances from FY2004-FY2006 have been returned to the US Treasury via the Surplus Warrant by Fund and Treasury Symbol

Note: FY2008 includes a rescission totaling ($18,000) per P.L. 110-161

Salaries, Officers, and Employees - Office of Interparliamentary Affairs
Five-Year Comparative Table

Year	Authorization (LY)	Appropriation (FY)	Reprogramming	YTD Remaining Balance
2004	NA	$ 500,000	$ 250,000	$ 59,819
2005	NA	$ 687,000	$ -	$ 57,984
2006	NA	$ 720,000	$ -	$ 5,264
2007	NA	$ 724,000	$ -	$ 172,781
2008	NA	$ 700,000	$ (2,000)	$ 94,579
2009	NA	$ 777,000	NA	NA

*All remaining balances from FY2004-FY2006 have been returned to the US Treasury via the Surplus Warrant by Fund and Treasury Symbol

Note: FY2008 includes a rescission totaling ($2,000) per P.L. 110-161

Salaries, Officers, and Employees - Other Authorized Employees
Five-Year Comparative Table

Year	Authorization (LY)	Appropriation (FY)	Reprogramming	YTD Remaining Balance
2004	NA	$ 150,000	$ 2,000	$ 833
2005	NA	$ 156,000	$ -	$ 109
2006	NA	$ 161,000	$ -	$ 1,917
2007	NA	$ 548,000	$ (1,200)	$ 386,938
2008	NA	$ 1,013,000	$ (380,000)	$ 47,329
2009	NA	$ 1,158,000	NA	NA

*All remaining balances from FY2004-FY2006 have been returned to the US Treasury via the Surplus Warrant by Fund and Treasury Symbol

Note: Includes Technical Assistants and Former Speaker's Staff
Note: FY2008 includes a rescission totaling ($3,000) per P.L. 110-161

Salaries, Officers, and Employees - Office of the Historian
Five-Year Comparative Table

Year	Authorization (LY)	Appropriation (FY)	Reprogramming	YTD Remaining Balance
2004	NA	NA	NA	NA
2005	NA	NA	$ 250,000	$ 2,961
2006	NA	$ 405,000	$ -	$ 900
2007	NA	$ 408,000	$ -	$ 2
2008	NA	$ 449,000	$ -	$ 229
2009	NA	$ 519,000	NA	NA

*All remaining balances from FY2004-FY2006 have been returned to the US Treasury via the Surplus Warrant by Fund and Treasury Symbol

Note: FY2008 includes a rescission totaling ($1,000) per P.L. 110-161
Authorization contained in 2 USC 60e and House Rules II.

A&E - Supplies, Materials, Administrative Costs and Federal Tort Claims
Five-Year Comparative Table

Year	Authorization (LY)	Appropriation (FY)	Reprogramming	YTD Remaining Balance
2004	NA	$ 3,975,000	$ 98,000	$ 658,442
2005	NA	$ 4,350,000	$ (163,000)	$ 817,867
2006	NA	$ 4,179,000	$ (250,000)	$ 775,872
2007	NA	$ 4,704,000	$ -	$ 761,757
2008	NA	$ 2,879,000	$ (700,000)	$ 178,507
2009	NA	$ 11,656,000	NA	NA

*All remaining balances from FY2004-FY2006 have been returned to the US Treasury via the Surplus Warrant by Fund and Treasury Symbol

Note: FY2008 includes a rescission totaling ($9,000) per P.L. 110-161
Note: FY 2009 included Transition Activies, Office of Congressional Ethics, and Wounded Warrior

Allowances and Expenses - Official Mail (Non - Member)
Five-Year Comparative Table

Year	Authorization (LY)	Appropriation (FY)	Reprogramming	YTD Remaining Balance
2004	NA	$ 410,000	$ -	$ 53,938
2005	NA	$ 410,000	$ -	$ 206,375
2006	NA	$ 410,000	$ -	$ 86,213
2007	NA	$ 410,000	$ -	$ 237,990
2008	NA	$ 309,000	$ 160,000	$ 19,906
2009	NA	$ 201,000	NA	NA

*All remaining balances from FY2004-FY2006 have been returned to the US Treasury via the Surplus Warrant by Fund and Treasury Symbol

Note: FY2008 includes a rescission totaling ($1,000) per P.L. 110-161

Allowances and Expenses - Government Contributions
Five-Year Comparative Table

Year	Authorization (LY)	Appropriation (FY)	Reprogramming	YTD Remaining Balance
2004	NA	$ 186,783,000	$ 950,000	$ 431,171
2005	NA	$ 203,900,000	$ (4,350,000)	$ 128,140
2006	NA	$ 213,422,000	$ (3,430,000)	$ 1,020
2007	NA	$ 226,904,000	$ (5,666,667)	$ 5,084,894
2008	NA	$ 226,887,000	$ (3,739,000)	$ 1,057,237
2009	NA	$ 260,703,000	NA	NA

*All remaining balances from FY2004-FY2006 have been returned to the US Treasury via the Surplus Warrant by Fund and Treasury Symbol

Note: FY2004 includes a rescission totaling ($1,000,000) per P.L. 108-199
Note: FY2006 includes a rescission totaling ($1,000,000) per P.L. 109-148
Note: FY2008 includes a rescission totaling ($568,000) per P.L. 110-161

Allowances and Expenses - Capitol Visitor Center
Five-Year Comparative Table

Year	Authorization (LY)	Appropriation (FY)	Reprogramming	YTD Remaining Balance
2004	NA	NA	NA	NA
2005	NA	$ 6,555,000	$ -	$ -
2006	NA	$ 3,410,000	$ -	$ -
2007	NA	$ 3,410,000	$ -	$ -
2008	NA	$ 2,256,000	$ (3,090,829)	$ -
2009	NA	$ 1,900,000	NA	NA

*All remaining balances were rolled forward due to no-year funding

Note: FY2005 funded via a supplemental per P.L. 109-13
Note: FY2008 includes a rescission totaling ($6,000) per P.L. 110-161

Allowances and Expenses - Business Continuity and Disaster Recovery
Five-Year Comparative Table

Year	Authorization (LY)	Appropriation (FY)	Reprogramming	YTD Remaining Balance
2004	NA	NA	NA	NA
2005	NA	NA	NA	NA
2006	NA	NA	NA	NA
2007	NA	$ 24,068,000	$ -	$ 110,850
2008	NA	$ 16,814,000	$ (5,000,000)	$ 45,076
2009	NA	$ 18,698,000	NA	NA

*All remaining balances from FY2004-FY2006 have been returned to the US Treasury via the Surplus Warrant by Fund and Treasury Symbol

See the CAO note for more information regarding FY2004-FY2006
Note: FY2007 includes a supplemenal of $6,437,000 per P.L. 110-28
Note: FY2008 includes a rescission totaling ($42,000) per P.L. 110-161

Allowances and Expenses - Miscellaneous Items
Five-Year Comparative Table

Year	Authorization (LY)	Appropriation (FY)	Reprogramming	YTD Remaining Balance
2004	NA	$ 690,000	$ -	$ 29,249
2005	NA	$ 690,000	$ -	$ 95,956
2006	NA	$ 703,000	$ -	$ 63,728
2007	NA	$ 703,000	$ -	$ 28,898
2008	NA	$ 701,000	$ -	$ 25,303
2009	NA	$ 742,000	NA	NA

*All remaining balances from FY2004-FY2006 have been returned to the US Treasury via the Surplus Warrant by Fund and Treasury Symbol

Note: FY2008 includes a rescission totaling ($2,000) per P.L. 110-161

Joint Committee on Taxation
Five-Year Comparative Table

Year	Authorization (LY)	Appropriation (FY)	Reprogramming	YTD Remaining Balance
2004	NA	$ 8,064,139	NA	$ 5,918
2005	NA	$ 8,365,536	NA	$ 43,464
2006	NA	$ 8,693,190	NA	$ 1,019,731
2007	NA	$ 8,773,000	NA	$ 37,023
2008	NA	$ 9,197,000	NA	$ 345,335
2009	NA	$ 10,719,000	NA	NA

*All remaining balances from FY2004-FY2006 have been returned to the US Treasury via the Surplus Warrant by Fund and Treasury Symbol

Note: FY2004 includes a rescission totaling ($47,861) per P.L. 108-199
Note: FY2005 includes a rescission totaling ($67,464) per P.L. 108-447
Note: FY2006 includes a rescission totaling ($87,810) per P.L. 109-148
Note: FY2008 includes a rescission totaling ($23,000) per P.L. 110-161
Note: We do not reprogram funds from or to Joint Accounts.

Office of the Attending Physician
Five-Year Comparative Table

Year	Authorization (LY)	Appropriation (FY)	Reprogramming	YTD Remaining Balance
2004	NA	$ 2,222,808	NA	$ 46,096
2005	NA	$ 2,507,776	NA	$ 70,373
2006	NA	$ 2,519,550	NA	$ 72,205
2007	NA	$ 2,519,550	NA	$ 237,768
2008	NA	$ 2,791,000	NA	$ 39,420
2009	NA	$ 3,105,000	NA	NA

*All remaining balances from FY2004-FY2006 have been returned to the US Treasury via the Surplus Warrant by Fund and Treasury Symbol

Note: FY2004 includes a rescission totaling ($13,192) per P.L. 108-199
Note: FY2005 includes a rescission totaling ($20,224) per P.L. 108-447
Note: FY2006 includes a rescission totaling ($25,450) per P.L. 109-148
Note: FY2008 includes a rescission totaling ($7,000) per P.L. 110-161
Note: We do not reprogram funds from or to Joint Accounts.

Statements of Appropriations
Five-Year Comparative Table

Year	Authorization (LY)	Appropriation (FY)	Reprogramming	YTD Remaining Balance
2004	NA	$ 29,911	NA	$ 14,911
2005	NA	$ 29,880	NA	$ 14,880
2006	NA	$ 29,850	NA	$ 14,850
2007	NA	$ 29,850	NA	$ 14,850
2008	NA	$ 30,000	NA	$ 15,000
2009	NA	$ 30,000	NA	NA

*All remaining balances from FY2004-FY2006 have been returned to the US Treasury via the Surplus Warrant by Fund and Treasury Symbol
Note: House executes 50%; therefore we load $15,000 within our financial system of accounting and reporting

Note: FY2004 includes a rescission totaling ($89) per P.L. 108-199; only applied to the House portion
Note: FY2005 includes a rescission totaling ($120) per P.L. 108-447; only applied to the House portion
Note: FY2006 includes a rescission totaling ($150) per P.L. 109-148; only applied to the House portion
Note: We do not reprogram funds from or to Joint Accounts.

Questions for the Record for the Honorable Daniel P. Beard, Chief
Administrative Office of the House
Submitted by the Honorable Robert B. Aderholt

MRAs

How did you arrive at the 15% increase to the MRA included in your budget request?

- In FY 2010, the MRA budget request includes a 100% funding for the MRA up to the authorization level.

How much of this $90 million increase for FY10 is dedicated solely to meeting the 2009 MRA authorization levels?

- Roughly 50% of the increase is dedicated solely to meeting the 2009 MRA authorization levels. There was a variance of $46,007,646 between the FY09 MRA authorization level of $655,007,646 and the FY09 Appropriation of $609,000,000.

What would be the impact if this request were not fully funded?

- If this request is not fully funded, possible cash flow issues will occur in September and post Fiscal Year resulting in a shortage of funding to pay member vouchers. MRA funding balances are returned to Treasury and are not available for reprogramming.

What coordination have you had with the Committee on House Administration on the 2010 MRA authorization?

- The Committee on House Administration provided the estimated 2010 MRA authorization used in the budget request.

Do you anticipate returning to the Appropriations Committee this time next year with a similar request to adequately fund the final quarter of the 2010 legislative year?

- The FY 2011 MRA budget request will provide funding for 12 months of funding to cover the last three month in LY2010 and the first nine months of LY 2011.

Last year we funded an effort to centrally provide transit benefits to House employees (as opposed to the benefit being provided out of the MRAs, as they have been traditionally). You have requested $7.1 million for this benefit in fiscal year 2010. Because Members no longer have to pay for

these benefits, has there been a commensurate reduction in your MRA budget request?

- If the Centralized Transit Benefits program receives the fully $7.1 million requested, transit benefits budgets can be removed from the MRA budget request. This will result in a decrease of $2,219,000 in the Members MRAs.

House Services Revolving Fund

Why are a portion of the House's commissions from Restaurant Associates being diverted prior to reaching the House Services Revolving Fund? Why aren't these subsidies to the vendor tracked and accounted for through the Revolving Fund?

- The CAO contract with Restaurant Associates includes language that allows the vendor to deduct the additional cost for greening initiatives from the monthly commission. Restaurant Associates provide supporting documentation for the deductions and the CAO tracks them on a monthly basis.

Please provide a list of expenditures from the House Services Revolving Fund since the beginning of the 110th Congress.

- Below are the Authorizations against the House Services Revolving Fund:

Current Authorizations	Approps Approval on	Total Estimated Cost	YTD Obligations / Expenditures	Remaining Planned Obligations
Shoe Shine Contract Renewal	3/12/2007	$ 31,000	$ 30,732	$ 268
Transition to a New Food Service Contractor	10/19/2007	$ 165,000	$ 163,353	$ 1,647
House Staff Fitness Center	10/30/2007	$ 250,000	$ 150,000	$ 100,000
DOE Technical Support for Greening the Capitol	11/6/2007	$ 400,000	$ 400,000	$ -
Capitol Dome Light Design Study	11/6/2007	$ 300,000	$ 300,000	$ -
Transition to a New Food Service Contractor	1/17/2008	$ 620,000	$ 521,765	$ 98,235
DOE Technical Support for Greening the Capitol	2/11/2008	$ 535,340	$ 535,340	$ -
Sustainability Consulting Support for Greening Initiative	2/11/2008	$ 137,700	$ 133,500	$ 4,200
Capitol Dome Light Design Study	2/11/2008	$ 371,900	$ 371,900	$ -
Green the Capitol Initiative Tracking System	2/11/2008	$ 292,502	$ 292,502	$ -
Sustainability Consulting Support for the Speaker's Greening Initiative	3/19/2008	$ 29,700	$ 29,700	$ -
Shoe Shine Contract Renewal	4/3/2008	$ 32,000	$ 31,992	$ 8
Bike Sharing Program	5/15/2008	$ 23,000	$ 22,761	$ 239
Postal Facility Improvements	7/24/2008	$ 152,471	$ 152,458	$ 13
House Staff Fitness Center (FY09 Renewal)	9/2/2008	$ 150,000	$ 135,055	$ 14,946
Food Services Authorization Letter	2/3/2009	$ 420,000	$ 212,075	$ 207,925
Shoe Shine Services Contract Renewal:	3/18/2009	$ 5,500	$ 5,332	$ 168
E-Waste Recycling Event	4/8/2009	$ 10,000	$ -	$ 10,000
Total Current/Planned Obligations:		**$ 3,926,113**	**$ 3,488,465**	**$ 437,648**

To what extent have you coordinated with the AOC on waste hauling requirements?

- The AOC handles the entire waste stream except for the compost waste stream. The CAO handled the compost contract so it could be implemented when the new food service vendor Restaurant Associates started. For compost picked up in offices, the AOC collects it and takes it to be picked up by the same CAO vendor who takes the food service compost.

After more than a year of data to review, what are the costs of the composting program?

- The CAO tracks several different costs related to the composting program. These include Greening Labor, which are the costs for Restaurant Associates to operate the pulper, transport waste to the pulper, and pickup and separate trash at catering events. Greening Supplies is another category, which includes the cost differential of 100% compostable products versus plastic and Styrofoam products. Finally, the CAO manages the waste hauling contract which is included. The total cost for composting in 2008 was $668,413.17.

Financial System Replacement Project

The House Financial System Replacement project has grown from a projected cost of $18 million in October 2006 to a projected cost of $28 million in March 2009. The "go-live" date has also slipped to October 2010. What has happened to cause a 64% increase in the cost? Are we going to see additional funding requests? What assurances do we have that the system will be ready in October 2010?

The launch of the new house financial system, called Atlas, was on target for an October 2008 launch, however in the final stages of user acceptance testing and deployment readiness, the CAO, in partnership with the Office of the Inspector General, uncovered some areas of vulnerability that presented unacceptable risk for the House community. The decision was made to delay the implementation to ensure these vulnerabilities were effectively addressed.

During the period between the decision to delay and now, the Atlas team has rebaselined the project plan. In December, Tami Perriello, an experienced PeopleSoft financial systems project implementer, joined the CAO as a director with responsibility for financial system projects, among other things. The CAO recently presented the Committee on House Administration with the new plan that projects Atlas implementation for the fall of 2010. Project leadership is managing the project against that plan and actively monitoring project progress. Key project actions include:

- Correcting vulnerabilities previously identified
- Upgrading PeopleSoft software to the current maintenance release
- Replacing existing hardware in accordance with lifecycle replacement plans
- Initiating process reviews and evaluation of design items identified to standardize and simplify budget, procurement, and payment processes

The projected budget has increased due to the implementation delay. The cost projected in October 2006 was based on an anticipated go-live date of March 2008. Costs for integrator support, backfill, and maintenance have all increased from initial projections due to delays. The FY 2010 request of $3,937,000 is projected to complete implementation of the Atlas Core Financials as well as begin several new related initiatives including Assets and Inventory.

Funding through FY 2009	$23,866,047
Obligation/Expenditures to Date	$21,689,817
Available Balance (through FY 2009)	**$ 2,176,230**
FY 2010 Budget Request	$ 3,937,000

FTE Vacancies

For each individual office under the CAO, please provide the authorized number of FTEs and current vacancies.

CAO	Total Authorized FTEs	Total Vacancies
CAO Immediate Office	55	17
Galleries	15	0
Customer Solutions	263	21
Operations Immediate Office	16	1
Administrative & Financial Services	112	25
House Information Resources	299	27
Total CAO FTEs	**760**	**91**

Hearing Room Renovations	Total Authorized FTEs	Total Vacancies
Customer Solutions	13	13
Total Hearing Room Renovations FTEs	**13**	**13**

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