LEGISLATIVE BRANCH APPROPRIATIONS FOR 2012

HEARINGS

BEFORE THE

COMMITTEE ON APPROPRIATIONS

HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

SUBCOMMITTEE ON LEGISLATIVE BRANCH

ANDER CRENSHAW, Florida, *Chairman*

STEVEN C. LATOURETTE, Ohio
JO ANN EMERSON, Missouri
DENNY REHBERG, Montana
KEN CALVERT, California

MICHAEL M. HONDA, California
DAVID E. PRICE, North Carolina
SANFORD D. BISHOP, JR., Georgia

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

ELIZABETH C. DAWSON, *Clerk*
JENNIFER KISIAH, *Professional Staff*
CHUCK TURNER, *Professional Staff*

PART 2

FISCAL YEAR 2012 LEGISLATIVE BRANCH APPROPRIATIONS REQUESTS

Printed for the use of the Committee on Appropriations

LEGISLATIVE BRANCH APPROPRIATIONS FOR 2012—Part 2

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LEGISLATIVE BRANCH APPROPRIATIONS FOR 2012

FRIDAY, MARCH 11, 2011.

LIBRARY OF CONGRESS

WITNESSES

JAMES H. BILLINGTON, THE LIBRARIAN OF CONGRESS
ROBERT DIZARD JR., LIBRARY OF CONGRESS CHIEF OF STAFF
DEANNA MARCUM, ASSOCIATE LIBRARIAN FOR LIBRARY SERVICES

OPENING REMARKS—CHAIRMAN CRENSHAW

Mr. CRENSHAW. I would like to call the meeting to order. This is the first hearing for fiscal year 2012 of the Legislative Branch Subcommittee of the Full House Committee on Appropriations. The total fiscal year 2012 budget request that we are going to consider is a little over $3.8 billion. That is about a $142 million increase, or 3.9 percent, over the current funding levels. This is going to be exclusive of the Senate. The Senate is about $1 billion which they will consider on their own. Our job is to determine the level of funding for the Legislative Branch and then make sure that we are accountable to the taxpayers and the people that we represent.

Now I think most people know that our little corner of the world is the smallest amount of money among all the discretionary appropriations, about one-half of 1 percent. But that doesn't mean that we are going to have any less scrutiny over our appropriations process. As you all know, we went through a process, House Resolution 1, where we cut $100 billion out of discretionary spending. Some people say it is $60 billion, depending on which numbers you use, but we started to end this culture of spending and tried to get back to a culture of savings. The Legislative Branch Subcommittee was part of that process. We shared in those difficult decisions, shared in some of the pain.

As you all know, the members of this subcommittee cut the budgets of the leadership. We cut the budgets of the different committees about 5 percent. In fact, we cut the budget of the Appropriations Committee by twice that, and then we cut all the Members of Congress office accounts by 5 percent, just to be sure that we led by example and we shared in that pain.

Now H.R. 1 is gone. We are still in the process of funding 2011, but right now this is kind of the beginning of starting the funding for 2012. And I want to remind the members of the subcommittee that we are in a pretty difficult situation. I don't really need to remind anybody of that, that our fiscal issues here in the country are pretty mind-boggling. When you look at the fact that we are almost

$14 trillion in debt, that is almost equal to our GDP, the total output of our economy. And so that is not a good situation to be in. We are at a point where we will experience another trillion-dollar-plus annual deficit and we can't sustain that forever. Everybody agrees with that, the Democrats and the Republicans alike. And then 42 cents out of every dollar we spend we are borrowing. So everybody knows we have got to get a handle on this spending issue. That is going to help improve the economy. That is going to help improve jobs. So we are all in this boat together.

So we want to begin that process today. I have been working with our Ranking Member, Mr. Honda. We worked well together at 2:00 a.m. in the morning when we were going through the first 20 hours of debate on H.R. 1, and we will keep working together.

Mr. HONDA. Yes, sir.

Mr. CRENSHAW. I want to thank the members of the subcommittee for being here today. At this time I want to recognize Mr. Honda for any remarks he might have.

OPENING REMARKS—MR. HONDA

Mr. HONDA. Thank you, Mr. Chairman. And it has been a pleasure to work with you and work out some of the kinks that we have been faced with. And I thought it was done well, Mr. Chairman.

And Dr. Billington, I want to welcome you to the subcommittee to present the Library of Congress' 2012 request. And the Library has requested what, $666.7 million, an increase of 3.6 percent above fiscal year 2010. And as Dr. Billington likes to point out, the Library is the Nation's oldest Federal cultural institution and we should all be proud that it resides in this branch of government, and I am. The librarians are stalwarts of anti-censorship and the repository of knowledge and everything else. So I appreciate your mission. You allow Congress to operate in a transparent manner through the THOMAS Web site, giving our constituents the ability to see what we have voted on and read the legislation before Congress.

The Library of Congress also supplements our staff through the Congressional Research Service, which received most of the Library's increase. The CRS request is $117 million, or 4.1 percent, above fiscal year 2010. CRS provides invaluable analysis for Congress, including customized analysis of issues for individual Members. Members and staff rely on the professional staff at the Library to ensure we have the best available information on the pressing issues we face.

Some may be surprised to know that the Library has the copyright responsibilities for the entire government. The Copyright Office budget request is $21.7 million, including the offsetting collections planned in fiscal year 2012. The budget supports the U.S. Copyright's office administration of copyright registrations and the acquisition of nonregistered copyright works published in the U.S. We want to ensure that the Library has the resources to promptly process claims as to not grow the copyright backlog. The budget request states that the Copyright Office "will continue to develop functional and usability enhancements to the electronic Copyright Office system at a decreased rate due to budgetary impacts." Well, today I want to know what it will take to ensure that we do not go back to 2009 and keep people waiting for more than a year in some circumstances to have their copyright claim processed.

So with that, I will conclude my statement and I look forward to Dr. Billington's opening statement.

RETIREMENT OF CRS DIRECTOR DAN MULHOLLAN

Mr. CRENSHAW. Thank you. And before I turn to Dr. Billington, I wanted to just take a moment to acknowledge the upcoming retirement of one of your staff members sitting behind you there, Dan Mulhollan. He is the Director of the Congressional Research Service and he announced that on April 3, of this year, he is going to be retiring. That is after 42 years of dedicated service to the Congress. And so I just wanted to point out that he has been the Director of the CRS since 1994, and he has got a long distinguished career. But one of the things that jumped out to me, which was kind of interesting, is that he served, provided analytical support to the Senate Committee on Presidential Activities that was better known as the Watergate Committee. And so he has been around a long time. In addition, he was the Acting Deputy Librarian of Congress from 1992 to 1994. So I know that all the members of the subcommittee and the full committee certainly want to thank you for those 42 years of service. We appreciate it very much.

Mr. MULHOLLAN. Thank you very much. I appreciate that.

OPENING STATEMENT—THE LIBRARIAN OF CONGRESS

Mr. CRENSHAW. So, Dr. Billington, I will turn to you now for you to summarize your statement. We will insert your full statement into the record, and if you would like to introduce any of the staff that are here, the floor is yours.

Dr. BILLINGTON. Thank you, Mr. Chairman, Mr. Honda, Mr. LaTourette, and members of the subcommittee.

First of all, I will mention our excellent new Chief of Staff, Robert Dizard, who has been a member of the Library active in a whole variety of different capacities, in copyright and congressional relations and in library services, most recently. We are very fortunate to have him. And he is in charge of a whole new management agenda, trying to pull things together and realize more synergies and economies in the Library. So he is playing a special role.

I think you have met all of our Executive Committee as well who are behind us and they will assist with the more detailed questions.

The Congress of the United States has been the greatest patron of the library in the history of the world. Mr. Chairman, all of us at the Library of Congress are really deeply grateful that, for the last 211 years, Congress has created, sustained, and instructed its library, through good times and bad, to have made this institution into the world's largest collection of knowledge in almost all languages and formats, the closest thing to the mint record of American private sector creativity and innovation, and finally, the leading American public institution in both capturing transient information of importance on the Internet and at the same time sharing our collections online.

The Library embodies key ideals on which this Nation was founded, the right of a free people to have unfettered access to the world's knowledge and to the record of our own citizens' creativity, and the necessity for a dynamic and productive people to have material incentives for innovation. In presenting our budget request for fiscal 2012, Mr. Chairman, I want to stress that what the Library is doing is now more important than ever for the United States of America as we try to live and work in the Information Age.

Serving the Congress is the Library of Congress' top priority. The Library's Congressional Research Service has, as Mr. Honda has already pointed out, for almost a century embodied the distinctive American ideal of a knowledge-based democracy. CRS serves Congress exclusively. And the Library's Law Library also provides objective nonpartisan information and analysis to the First Branch of Government.

Both our international economic competitiveness and our national security depend increasingly on knowledge and information that is drawn from every part of the globe. The Library of Congress is the mother lode of what you might call the Nation's strategic information reserve, that is essential for the work of the Congress and of other government agencies. Even as we speak, our Cairo office is systematically sending us in realtime the pictures, pamphlets, and social messaging of the current uprisings in the Middle East.

The Library is making a unique and original contribution to the all-important crisis in K–12 education throughout America with its authoritative Internet outreach. We are currently delivering 24.5 million items free of charge, most of which are primary documents of American history and culture with dependable commentary by our curators. We also have now begun to include in our widely used Web services similarly unique documents from other world cultures, drawing from our own collections and from many of our 120 partner institutions from all over the USA and the world. We are also working with more than 185 other U.S. partners from 44 States and 37 national libraries on our congressionally mandated program for digital preservation of what is most important for the future. This is a very perishable world and a lot of very important things have to be kept.

FISCAL CHALLENGES

Mr. Chairman, we want to responsibly address at the same time the massive fiscal challenges posed by the Federal deficit, of which we are all properly concerned. I would respectfully suggest that we have been working on this. For a number of years now, we have been submitting constrained budgets for which the committees have generally commended us. If we set aside the normal inflationary pay and price level increases that all agencies request, the Library in the last 4 years has asked for program increases averaging only 2.3 percent of the base budget; and for 2012, our budget request includes less than 1 percent in program increases. These are for two mission-critical needs, $2.7 million to sustain CRS' services, given the new challenges being posed by information that the Congress needs, and $2.8 million to improve security in our information technology and communications system. The great bulk, 77 percent of the overall 3.5 percent requested increase, is for the mandatory pay and price level increases of $18 million.

Almost all library programs provide one-of-a-kind national resources and services that no one else in either the public or private sectors can reasonably be expected to replicate.

Even under a best-case budget outlook, funding at the fiscal 2010 level for both the rest of fiscal 2011 and 2012 would result in an effective budget cut of more than $31 million, or 4.8 percent, against the fiscal 2010 base. This alone would require substantial program and staff sacrifices. And some of the reduction scenarios currently being proposed could cut to the bone and require us to take steps that not even past wars and depressions have forced the Library to consider in its 211-year history.

We have scoped out what it would look like. If faced with major budget cuts, we would have to ask ourselves where we should cut the many core services that we uniquely perform. In our deacidification of brittle books and manuscripts, by far the biggest and most comprehensive in the country? Those items would then become unusable and disintegrate. In our cataloging and standards service that will increase the burden on already strained local and State libraries if our cataloging service has to be depleted? In providing fewer books and magazine titles free to 800,000 blind and physically handicapped Americans who generally read much more than sighted people?

Even if we cut back our public services significantly, we would reluctantly also have to consider furloughing or cutting back on personnel. Our dedicated, experienced, and multi-talented staff accounts for 63 percent of the Library's overall budget and 89 percent of CRS's. The Library is now doing far more work than in 1992, but with 1,076 fewer people on the staff. Half of those reductions have occurred just in the last 5 years when we have been submitting modest budgets.

FT. MEADE, MODULE 5

In conclusion, I should also say that we are critically dependent on sustaining this very successful collections storage program at Fort Meade, which is 9 years behind schedule, and we ask your approval of funds for construction of Module 5, which is included in the AOC budget.

Mr. Chairman, Mr. Honda, Mr. LaTourette, and other members of the subcommittee, we are, as Mr. Honda pointed out, our Nation's oldest Federal cultural institution. The Joint Committee on the Library is the oldest joint committee of the Congress. So we go back to the founding. But we have now become part of the innovative infrastructure of America in the Information Age, with future and present uses that have hardly yet been fully exploited.

I thank you again for your support of the Library and for your consideration of our fiscal 2012 budget request. And of course we will be glad to answer any questions.

[The statement of the Librarian of Congress, Dr. Billington, follows:]

Statement of Dr. James H. Billington
The Librarian of Congress
before the
Subcommittee on the Legislative Branch
Committee on Appropriations
U.S. House of Representatives
Fiscal 2012 Budget Request
March 11, 2011

Mr. Chairman, Mr. Honda, and Members of the Subcommittee:

I am pleased to present the Library of Congress fiscal 2012 budget request.

The Congress of the United States has been the greatest patron of a library in the history of the world. Mr. Chairman, all of us at the Library of Congress are deeply grateful for the Congress's support over the last 211 years.

What Congress created, sustained, and instructed its library to undertake through good times and bad has made this institution into (1) the world's largest collection of knowledge in almost all languages and formats, (2) the closest thing to a mint record of American private sector creativity and innovation, and (3) the leading American public institution in both capturing transient information on the internet and sharing our collections online.

In presenting our budget request for fiscal 2012, Mr. Chairman, I propose to answer three big questions that we have asked of ourselves – and that you might well wish to ask of us at this time of so many pressing national concerns:

1. What does the Library of Congress do that is important for the United States of America?

The Library embodies key ideals on which this nation was founded: the right of a free people to have unfettered access to knowledge, the necessity for a productive people to have material incentives for innovation and the need to preserve the record of our citizens' creativity.

Serving the Congress is the Library of Congress's top priority. The Library's Congressional Research Service has for almost a century embodied the distinctive American ideal of a knowledge-based democracy. CRS serves Congress exclusively. And the Library's Law Library also provides objective non-partisan information and analysis to the First Branch of Government.

Never have the core activities of the Library been more important to America than now in the information age. Both our international economic competitiveness and our national security depend increasingly on knowledge and information drawn from every part of the globe. The Library of Congress is the mother lode of the nation's strategic information reserve for the work of the Congress and other government agencies. Even as we speak, our Cairo office is systematically sending us the pictures, pamphlets, and social messaging of the current uprisings in the Middle East.

The Library is making a unique and original contribution to the all-important crisis in K-12 education throughout America with its authoritative internet outreach. We are delivering more than 20 million items free of charge, most of which are primary documents of American history and culture. We have also now begun to include in our widely used web services similarly unique documents from other world cultures – drawing from our own collections and from many of our 135 partner institutions from all over the USA and the world. We are also working with 167 other U.S. partners on our congressionally-mandated program for digital preservation.

2. A second – and crucial – question at this time is: *Have we responsibly addressed the massive fiscal challenges posed by the federal deficit about which the Congress is understandably concerned?*

For a number of years now, we have been submitting constrained budgets. If we set aside the normal inflationary pay and price level increases that all agencies request, the Library in the last four years has asked for program increases averaging only 2.3% of the base budget. The committees have commended these modest requests.

In fiscal 2012, the Library requests funding to meet a critical need to expand incident handling and response capacity to keep pace with the evolving IT security threat landscape. The enhancements include expanding the incident handling and response function to 24 hours a day, 7 days a week, and 365 days a year. The enhancements also include advanced security incident and event monitoring, net flow analysis, and other systems and processes commonly used across other government agencies.

The Library also requests funding and 17 FTEs for CRS, first requested in fiscal 2011, to broaden its expertise and strengthen analytical capacity in the areas of science and technology, health care, financial economics and accounting, and social policy related to employment, immigration, and the workforce. This funding will enable CRS to provide enhanced multidisciplinary analysis on complex and emerging policy issues before the Congress. Additional analytical capacity will also give CRS the long-term flexibility to adapt to rapidly changing issues and debates in these critical areas.

These two program requests represent less than 1% of the fiscal 2011 Continuing Resolution base. The great bulk (77%) of our overall 3.45% requested increase is for the mandatory pay and price level increases of $18 million.

Library programs are not "nice to have." Almost all provide one-of-a-kind national resources and services that no one else in either our public or private sectors can reasonably be expected to replicate.

Even under a best-case budget outlook, funding at the fiscal 2010 level for both fiscal 2011 and 2012 would result in an effective budget cut of more than $36 million, or 5.6%, against the fiscal 2010 base. This alone would require substantial program and staff sacrifices. And some of the reduction scenarios currently being proposed could cut to the bone and require us to take steps that not even past wars and depressions have forced us to consider in the Library's 211-year history. This possibility leads to a final question.

3. How would we handle major budget cuts?

We would have to ask ourselves where among the many services that we uniquely perform we should reduce funding: In our deacidification of brittle books and manuscripts that will then become unusable? In our cataloging and standards service that will increase the burden on already strained local and state libraries? In providing fewer books and magazine titles free to 800,000 blind and physically handicapped Americans who generally read much more than sighted people?

Even if we cut back our public services significantly, we would reluctantly also have to consider furloughing or cutting back on personnel. Our dedicated, experienced, and multi-talented staff accounts for 63% of the Library's overall budget, and 89% of CRS's. The Library is now doing far more work than in 1992 but with 1,076 fewer people on the staff. Half of those reductions have occurred just in the last five years.

We are also critically dependent on sustaining the successful collections storage program at Ft. Meade and ask for your approval of funds for construction of Module 5—included in the AOC budget.

Mr. Chairman, Mr. Honda, and Members of the Subcommittee, America's oldest federal cultural institution has become part of the innovative infrastructure of America in the information age. I thank you again for your support of the Library and for your consideration of our fiscal 2012 request.

ESSENTIALS VERSUS NON-ESSENTIALS

Mr. CRENSHAW. Thank you very much, Dr. Billington. We will start with some questions, and we will try to observe the 5-minute rule. If there are more questions, we will go a round or two.

But let me start by just asking you, I appreciate that you have looked hard at the services that you all are providing. These are the questions that I am going to be asking just about everybody that comes before this subcommittee and that being along the lines of, in these difficult economic times, I think we have got to do that against this backdrop of asking what is essential and what is nonessential in terms—I mean, where is the Federal role in all of these services? And that is kind of a fundamental question. It is almost like between wanting something and needing something. The need is something you have got to have. I would say that is an essential. Something that you want, maybe something you can do without. Nice to have but maybe you can do without it. That would kind of be nonessential.

So that is kind of the first question that I think we all ought to be asking. And then when you get to the point where you are answering that question about essentials, then are you providing those essential services as effectively and as efficiently as you can? Because this is just not a time for business as usual. We are all going to have to do more with less.

So with that kind of as a backdrop, tell me, when you go through this process, as you say you have done—and I appreciate that, these modest increases—what kind of questions do you ask your staff and yourself about your services in terms of what is essential, what is nonessential? When you kind of cut back in some of these areas, what goes into your thinking about how you can do more with less? Could you talk a little bit about that?

Dr. BILLINGTON. Now let me start off, and then I will ask Mr. Dizard because he has been presiding over the new management agenda and the revision of our strategic plan for more than a year. And that is directed precisely at the question of realizing more synergies and economies by getting everybody to work together on this variety of services.

The short answer to your question of what is essential is to say that there is almost nothing of the major things, even significant elements in our budget, that are not services that have been either directly mandated by the Congress by specific acts of Congress over the years or have come to be essential and counted on. I just itemized three things, but I could go down a much longer list—and indeed we have prepared it in the course of this—of all the different services.

So what our general approach would have to be is to simply cut back more than the nearly 1,100 staff positions that we have already cut out and there have been 500 or so in the last year. So we would try to spread the grief more or less evenly. We would have to make some decisions. Generally speaking, we can't go very much further than say the 1.7 percent in the Senate version that is floating around or the 3 percent cut that has been one of the scenarios that we have been asked to discuss. And this is all of what we are discussing. Mr. Dizard will supplement what I have to say.

STAFF FURLOUGHS

Generally speaking, the difficult part is that so much of our budget is personnel. And we would have to go into—if beyond the 1.7 or the 3 percent, we would have to go into furloughs, perhaps very serious furloughs. And if we went beyond that level, we would have to contemplate the unpleasant task that we have been able to avoid so far with our economy of simply releasing people. But I don't think there is a major service that I can identify. We have had this discussion, pretty candidly and pretty seriously, that we could offer as being something that is nonessential. I mean, they serve different people. The Copyright Office serves the creative community; the blind and physically handicapped——

ROLE OF OVERSEAS OFFICES

Mr. CRENSHAW. My time is about up. I want to, before I call on Mr. Honda—for instance, I know you have had a lot of overseas offices over the years. And some of those have been curtailed. I think now you only have six or seven. But is that something you look at when you say, do we really need to have an office in so many different cities around the world and now we have seven?

Dr. BILLINGTON. It is only in six cities. And these cities are among the most important to the United States right now. In our Cairo office, our young Arabic-speaking person who has been evacuated is communicating in realtime. If you see the regular media, you will see only pictures of the masses of crowds. Our Cairo office is a major collector of the Arab world. Our Islamabad office in Pakistan is collecting remarkable things, beginning with the autobiography of Osama bin Laden, that weren't available otherwise.

Mr. CRENSHAW. I am going to go to Mr. Honda.

Dr. BILLINGTON. These offices provide things that nobody else can get, including other agencies and other collection forces. So these we would be very reluctant to cut unless we want to cut off the supplies from these areas.

Mr. CRENSHAW. So you have been looking at them?

Dr. BILLINGTON. We have certainly looked at them, but we need to keep looking.

Mr. CRENSHAW. Let me go to Mr. Honda.

Mr. HONDA. Thank you, Mr. Chairman.

THE LIBRARY'S ASIAN DIVISION

I think, Mr. Chairman, Dr. Billington was very accurately portraying the role of the Library and the entire division in terms of acquiring information for our use. And let me just say for the record that I believe that the chairman and I really do understand that you actually are an extension of things that we do need in terms of resources and knowledge and information. So having said that, I just wanted to ask for a quick update on the Asian Division. I understand that the acting chief of that division is not going to be there permanently. And I would like to know what the future of the Asian Division would be. And also, will the current acting division Chief be part of the search for the replacement of that position?

Dr. BILLINGTON. Peter Young was very experienced and did remarkable work. In fact 14 new collections, documenting the Asian Pacific American experience were added just in the year 2010. So this is a very dynamic division in terms of its collection and of course in terms of its outreach and its ability. The Jakarta office is one of the most effective and very well regarded. We certainly hope we can keep Mr. Odo for as long as we can. He is doing a marvelous job.

Mr. HONDA. Will he be engaged in helping search?

Mr. DIZARD. He will be on the selection panel.

Dr. BILLINGTON. Oh, yes. Absolutely.

REPRESENTING PACIFIC RIM ASIA IN THE COLLECTIONS

Mr. HONDA. And in view of your testimony in some of the other writings that the Pacific Rim Asia is a very more recent area of focus and it is an area that many of us have a very little bit of information on, so the need is great for acquiring information and those kinds of activities so that we have good intelligence, I was just wondering what are the current plans and future plans you have, given the fiscal picture that we have before us.

Dr. BILLINGTON. Well, we examined a few years ago our whole Chinese collection. We now have special collection officers in various parts of China. Our China collection is the largest outside of the Chinese-speaking world, just as our Japanese collection is the largest outside of Japan. These collections are constantly being added to. We had a meeting of two former Secretaries of State of the United States and former Foreign Ministers of China not long ago in the Library, and we took the opportunity to show this contingent unique Chinese-language materials and some of the treasures of the Library of Congress. Our curators described the historic Chinese collection items speaking fluent Chinese.

Mr. HONDA. I get all that. I just want to know, what are the plans so you can tell us that this is an important area and we can't afford to, lessen our efforts out there because it is an area that we don't know too much about, even though we are constantly in contact.

Dr. BILLINGTON. They have a very active program of bringing people in. Next week we will celebrate the Nowruz new year festival which is celebrated everywhere from Lebanon to the Xinjiang Province in the interior of China. It is an ancient custom. So we will have all the ethnic communities that participate in those parts. We are drawing very heavily on increasing our context with the ethnic communities that have their historic origins and knowledge so that we can get focused on bringing them together and getting them connected with our collection development.

But I might ask Dr. Marcum, who is the head of Library Services, to just add on that because she has been systematically looking at this. We have excellent people in the Asian Division.

COLLECTION DEVELOPMENT EFFORTS IN CHINA

Dr. MARCUM. In China, we have experiments underway now to find far more comprehensive ways of collecting materials throughout China, working with the scholarly community in China and American scholars. We have a North American organizing committee made up of librarians around the country in the United States and Canada and the National Library of China to begin to look at cooperative collection development programs to bring in more collections from China.

Mr. CRENSHAW. Thank you. We will come back. Mr. LaTourette.

LIBRARY'S BUDGET REQUEST

Mr. LATOURETTE. Thank you, Mr. Chairman. And Dr. Billington, welcome. As I have in the past, I want to commend you and your team for the things that you are doing. I very much enjoyed the Library's traveling exhibits that toured the country this summer. One of them stopped in Twinsburg, Ohio and I had the chance to visit it with some of our school kids. And I met the husband and wife who were driving the semi around the country. It was really a nice experience.

I think, as I also mentioned to you, I read the article in The Post about the jeweler up in McLean who collected the Civil War portraits from sales all over the place. And I am very much looking forward to the opening of that exhibit. And I think that is the kind of thing, the hallmark sort of thing that the Library is known for. And I congratulate you for doing it.

We have talked before this hearing, and I have listened to your statement, and I have also listened to statements by the chairman and distinguished ranking member. And you know that in this environment, your budget is going in a direction other than other budgets are going, where as other people are coming in and asking for flat funding or less funding, your budget request has an increase. And I think when you make that request, from my standpoint, I am disappointed in some of the work we are doing around here because we don't distinguish between what I consider just to be spending and what I consider to be investments. I consider your work to be an investment. But I think it is incumbent upon you, if you want to be successful here today, to tell us why it is that when everybody else is experiencing cuts between 5, 10, 22 percent that you feel that the Library is justified to have this modest increase. And in that regard, you mentioned that most of it, 63 percent, is in terms of wage increases that are mandatory. And then if you could talk about why those are mandatory.

MANDATORY PAY FOR LIBRARY STAFF

The reason that is on my mind is the President of the United States has indicated that he wants a pay freeze for Federal employees for 5 years, which I think is goofy. I don't think you should be punished for working for the government. But regardless, that is where the bulk of the money is. If you could explain why those are mandatory, first of all.

CRS FUNDING REQUEST

And then the next biggest chunk is for Mr. Mulhollan, about $5 million to hire new staff and for his pay increases. One of the things that always amazes me around here is we ask CRS and Mr. Mulhollan's staff for a lot of stuff and we complain when we don't get it fast enough. I assume that based on the LMI study that has been completed this recommendation in the budget is somehow based on what those findings were and what the additional needs might be at CRS.

Dr. BILLINGTON. Well, I think the CRS request is not really an increase from past levels. It is to make up for the decreases that have been particularly severe there in recent years. They are not nearly up to where they were. But as you say, the questions are becoming more complex and these are mostly for scientific and financial analytic specialists. The scientific and technical component of issues is increasing. And they have a good knowledge base there but not enough to do what they need to do as quickly as necessary.

INVESTING IN INFORMATION

On your bigger question of investment, this is classic investment in the sense that you do not know now what questions, say on the global scene, are going to be the most crucial ones. The overseas offices purchase to a large extent a catalog of exotic languages abroad to be able to reach the right materials. The autobiography in Arabic of bin Laden, for instance, was discovered in a Pashto speaking area. So you have to have wide-ranging competencies, and they are very hard to cut back on because you don't know in the future where the focus will be. Who would have thought Chechnya and Rwanda and even Afghanistan would be as important to America as they currently are. Of course the other thing is if you cut back on subscriptions that you have had for a long time, you don't just cut it back by one year, you cut it back by 50 percent in terms of the utility for Congress and the government. But these are investments. And nobody else—no other country is investing this way—this is a potential enormous advantage.

If you ask, what is keeping our balance of trade better than it would otherwise be, it is because of the information-based exports and having the complete file of copyright deposit in the United States and being able to offer the support to protect it on the international scene. These are investments.

MANDATORY WITHIN-GRADE INCREASES

Mr. DIZARD. I can answer, Mr. LaTourette, about the mandatory pay increases. You are correct on the cost-of-living adjustments. We are not applying those obviously. The greatest part of the mandatory is within grade increases, people who have earned another step in their pay. And then we have a smaller amount for increased retirement contributions in the FERS system and then some Foreign Service national pay for our overseas offices. It is mandated by the State Department.

Mr. LATOURETTE. So these step increases, are you mandated—they have to go into effect regardless if no one gets a cost-of-living adjustment?

Mr. DIZARD. Right. If people perform at a satisfactory level for a certain period of time, they go up a step.

Mr. LATOURETTE. And you have no discretion in that?

Dr. BILLINGTON. We also can't control it, sir, if we have to have reductions. And we stand to risk losing precisely the people with the kind of extremely focused expertise that are needed to deal with the digital universe which we are trying to keep track of and preserve. That is a mandated function. We are supposed to quarterback a national program. And we are. So how do you cut out the quarterbacking function? It affects the whole program. More and more of the things we are doing, we are doing with partnerships; if we can avoid putting it on the appropriation, we do. But it is rather essential that the investment idea be understood and that the information-based and the knowledge-based and the creativity-based things are the things that are keeping us at the forefront of international competition in many, many areas.

CUTS AT OTHER LIBRARIES

Also, the library community is suffering generally, whether public libraries in great cities or university-based libraries, they are facing much more severe cuts. The margin of what we will be able to have if we can continue pretty much as we have been doing will be a unique asset for future uses. You can't really determine what they will be. For example, having old railroad timetables, old telephone books. These are the basis for a lot of environmental research. You wouldn't think it. America is kind of a leader really in many respects in higher research and education. And these kinds of unique materials are an excellent source I think in this regard.

Mr. LATOURETTE. I thank you and I thank the chairman for the patience. Sadly, I have to go to a steering committee meeting. But I thank you for your testimony and your observations. I would just say in some cases, being from Cleveland, the team might perform better without a quarterback from time to time. That is not universally the case. But thank you so much, Mr. Chairman.

Mr. CRENSHAW. Thank you. Mr. Bishop do you have questions?

OPEN SOURCE INTELLLIGENCE REPOSITORY

Mr. BISHOP. Thank you very much. I appreciate it very much. I am the son of a librarian. I grew up around libraries. I am particularly taken by the tremendous responsibility that the Library of Congress has in keeping our Nation, as well as, our Congress informed of vast information that exists across our continent. From studying my reading material, it seems to me that your function really provides a multiplier effect by everything else that we do. I am interested in finding places to cut our budget, because we do have a real serious fiscal crisis. At the same time, many functions that the Library of Congress performs are essential, and are often taken for granted. The Library of Congress provides essential information for so many walks of life. You are the basis, you are the source. If there is any place that perhaps should have a flat budget, if not an increase, it should be the Library of Congress.

I served on the Intelligence Committee a few years ago, and one of the major sources of intelligence for our intelligence community, as well as for those who target us, is open source intelligence. An open source is any publicly gathered source of information. The Library of Congress is the largest repository of open source intelligence. Certainly the Library of Congress is a big help to our intelligence community. I understand that in the past you have been able to provide expertise in certain areas where even our military and our intelligence communities had some limitations. You were able to come up with some documents which if they had been examined closely, could possibly have given clues to the September 11th terrorist attacks, 9/11. Therefore, when we try to press and squeeze you to find a place to cut—there may be some places you would not have as the highest priority. I have seen your justifications for why you want to keep your budget at least flat. For instance, by adding the STEM people to help Congress analyze science, and mathematics, all of the highly technical data which is now so common in our existence, and adding Members of Congress which is essential. If we do not understand it, we can't do what we have to do, and if you do not have people that understand it, you can't properly catalog that information and prepare the reports that Congress requests. We are requesting more of these reports every session of Congress, because we need the information to make good decisions.

I sympathize with the Catch–22 that you are in. We have the information and you have the information. You have to collect it and you have to preserve it. At the same time, we have to tighten your budgets. I ask you to look at whatever you can, but I can definitely sympathize because I see your great asset. I would like for you to share some of the maybe unknown things that you do with the resources that have been helpful for our country, the intelligence community and others.

Dr. BILLINGTON. I will just say one thing and then turn it over to the Chief of Staff here. First of all, it is a very talkative world. There is a great deal of open source material that we need to know. It is better if it is sitting here in the Library of Congress. This tends to be a town in which people talk a lot and read very little, but we have 21 public reading rooms divided into regions of the world and forms of knowledge that are open and available. And to take an example, the only formal piece of paper that I am aware of that the 9/11 Commission found in which a scenario of someone, a suicide mission, taking control of American planes and flying them into a symbolic building as if they were a cruise missile, was from a study made by a small division of the Library of Congress called the Federal Research Division, which does research mostly for DOD, intelligence, and so forth, using the Library's collections. And that was based on an open source description in a small, remote publication in the Arab world which was incorporated into a Federal Research Division study. That was the only thing that the 9/11 Commission I believe could find in which a scenario like that was described—they didn't predict the specific target or the specific people or any of that. But it didn't seem to register with anybody. It outlined what they had discussed publicly. And I think that is a small illustration of the fact that there is much more public discussion and even public availability and open source material available to us.

Published material in the world has increased by 40 percent in the last decade. And of course the online material is exploding virally. Open source material is a major source for better understanding the economic problems as well as security problems of our country.

I will turn it over to you.

FEDERAL RESEARCH DIVISION

Mr. DIZARD. I will just respond briefly on the open source. Much of the open source research is done by the Federal Research Division. And last year they did work for 27 different offices in 10 executive branch agencies, 10 different departments, and did quite a significant amount of work for the Director of National Intelligence Open Source Office, including work for their Korea-Japan office as well as for their Africa office. In the Africa office they did a series of six reports on terrorism in sub-Saharan Africa and southern Africa. They also did a major report for their Asian office on Indonesia, working with our Jakarta office.

So getting to your broader point, this open source research and access, that is basically what the Library is—a major point of open source research. These individuals, there are about 30, extensively use our foreign language collections for executive branch agencies, and the Congress as well, to provide precisely what you were talking about, unique research using unique collections.

Mr. BISHOP. What would happen if you could no longer provide this service?

COPYRIGHT COSTS AND REVENUES

Mr. CRENSHAW. We are trying to get around. We will come back to that. I think Mr. Price is on his way. A couple of questions just about trying to do more with less, being efficient. I mentioned the different offices and you say you have looked at those. I wonder, for instance, if the Copyright Office, do the registration fees charged does that cover all the cost? Is that something that you looked at that could be adjusted? Or tell me how that works.

Mr. DIZARD. I can answer that. The registration fees are looked at every 3 years, and they are adjusted to cover a majority of the cost of the registration system. So the Copyright Office is mainly funded by fees. The licensing function is fully covered by royalties that are subsequently distributed. So we look at Copyright Office fees on a triennial basis and we do an economic study and submit it to Congress.

Mr. CRENSHAW. It is almost there or it is not quite there?

Mr. DIZARD. There is a balance. Since copyright registration is voluntary, there is always a balance between being prohibitively expensive and then that causes a decrease in the public record of copyright ownership. Also the Library relies on the Copyright Office for deposits of between $35 and $40 million a year. They come in for copyright registration. We don't have to purchase those works. So the Copyright Office, when you look at it in totality, is a——

Mr. CRENSHAW. But that is something you look at and adjust from time to time?

Mr. DIZARD. Exactly. We are in a pattern now of doing that every 3 years.

CENTRALIZED VERSUS DISPERSED BUDGET FUNCTION

Mr. CRENSHAW. You have a central budget office. Also, it seems you have got financial budget personnel in Library Services, Law Library, Copyright Office, CRS, and Books for the Blind. Is there a way to consolidate some of those? You know when we are trying to figure out efficiency, those are just questions that come to my mind.

Mr. DIZARD. Okay. Our individual service units have budget offices, but they are relatively small and they are executing their own individual budgets, making more of the policy decisions and resource allocations decisions. Our main budget office is looking at managing the Library's overall financial systems. So we could look at that as a potential. But I am not sure there is a great amount of savings potential there.

IT SECURITY REQUEST

Mr. CRENSHAW. I see there is a $5.5 million request for information technology security that is I assume to broaden your research capabilities. What would happen if you didn't have that additional money? How would that impact your ability to do the things that you plan on doing?

Mr. DIZARD. Well, the information security requirement really isn't an option for us. We have to increase our security capabilities. So that would be something that we would have to do. I don't think that that is something we could let go. That affects every part of our business and our communications. So that is pretty much a mandate.

Mr. CRENSHAW. Does that mean you couldn't do more if you didn't have that extra $5.5 million of your function now without that? Are you saying there will be increased demands on that security part that you will need if you didn't have it? Does that limit your ability to——

Mr. DIZARD. What we have had to do this fiscal year up to this point in order to address those needs is to not do other projects or slow them down while we are addressing the IT security needs. And that is a mandatory.

Mr. CRENSHAW. Thank you.

Mr. Price.

OPEN WORLD LEADERSHIP PROGRAM

Mr. PRICE. Thank you, Mr. Chairman. I apologize for having to juggle two hearings this morning. But I appreciate the chance to see our friends from the Library, the assembled cast here, with many good things to say, I am sure. I want to focus on one of those things—a program that is not going to have a hearing of its own, and therefore, this is the opportunity to deal with it. The Open World Leadership Program is the most intensive exchange program dealing with former Soviet states, countries that have every reason to appreciate the chance for professional level contact with people in this country that aids in their own development, aids our relations, and is one of the Library of Congress' most innovative and worthwhile efforts. Admittedly, it is not what you would necessarily predict would be part of the Library's portfolio. It is a unique effort, and therefore sometimes is overlooked.

Now, just like everything else, Open World is facing budgetary challenges. I think it is worthy of full congressional support within the legislative branch. I want to give our guests a chance to comment on this. Executive branch-administered exchange programs are often driven by short-term policy goals. Open World is perceived differently. Part of that does have to do with its location in the legislative branch and in the Library of Congress. This program isn't conducted through a policy-driven agency. It is totally nonpartisan. It attracts a wider scope of participants, and it leverages U.S. hosts and builds civic engagements in ways that other programs have more difficulty doing. I have personally participated in the program in my district. I certainly can vouch for its effectiveness.

So I want to ask about the assumptions behind the fiscal 2012 request, which is for $12.6 million. I understand that it anticipates some modest expansions. But more generally, what can you tell us about the way this program is going, any significant breakthroughs or developments that are relevant to our considerations?

Dr. BILLINGTON. I will just mention one brief thing and then bring up Ambassador O'Keefe, who runs the program, who has been running it very well.

Let me just say briefly, I think that one of the most exciting breakthroughs on this has been that the Russians themselves have tried to bring them over. It is modeled on the 1.5 percent of the Marshall Plan that was spent bringing young Germans over after World War II. It has been doing this. Now we have got about 13,000 Russian alumni, alumni from Ukraine, Georgia, the new Muslim republics. And they have these intensive stays. Hosts have been from every state, they have been here from every state in the union.

OPEN WORLD ALUMNI NETWORK

Mr. PRICE. That is what I mean by intensive. What is the number again, the alumni number?

Dr. BILLINGTON. Well, 13,000 from Russia. Then there is another 2,500 or so from Ukraine, Georgia and the new Muslim republics. All of the states of the former Soviet Union have sent over key leaders, young leaders. This is a leadership development program. It is not part of the Library of Congress. It has its own separate identity. I happen to be chairman of this board.

But just to give you a couple of examples, the Russians are now recognizing that they want to bring some Americans over to help them. Somebody was in Montana and studied the constitution of the State of Montana and has gone back to help rewrite the constitution for Kyrgyzstan after their turmoil. Part of these little revolutions that are occurring. So there is direct input like that, but there is also indirect in the whole process of democracy building, whereby 16 percent of the support of the key members of the supreme court in Russia are alumni of this program, 10 percent of Duma are alumni of this program. They came over first as representatives of the local courts all over the place, and they are now going to higher places.

Now the Russians brought over—related to Open World, spinning off from it—younger people, presidents of colleges, that are undergraduates, the younger generation. Our average age is 37, 38 years old. Now there are people in their early 20s. It was a big hit and the Russians have tripled their support for doing this.

So it seems to me it is the beginning of a breakthrough for something that could really be quite dramatic. And I happen to be working in my other capacity as Librarian of Congress with the Chief of Staff of the President of Russia on developing a whole new library system in Russia. And that has led to the repatriation of a lot of movies that we no longer have in this country but which we have already begun to do this that the Russians preserved this.

But Open World is something that is a very original kind of thing because it is intensive. They stay in people's homes. That makes an enormous impression. They see the real America. They see how government works from the bottom up and from their periphery in. And that is something quite new in Russia. That is what de Tocqueville said was the secret in American democracy. He didn't believe it until he came and saw. They are coming and seeing it and piggybacking on important ideas, and they are able to do this because of the Library connection in the legislative branch of government.

NEW RUSSIAN LIBRARY SYSTEM

So it is an unusual thing to do, but that unusualness is precisely the thing that is leading an autocratic society, autocratic traditions, to think that there is importance to people all over the place and to having citizen participation at the local level. That is what they are doing with this new library system. It will have branches in every state, every part of Russia whether it develops or not, whether it becomes electronic to produce openness that it is not being produced in the traditional media. So this is all a frontier step.

Open World is run by a very small staff, with very small administrative apparatus. So the resources go into getting—American communities also are donating a lot of money, almost as much as we are asking in appropriations for the program. So I think it is an important thing for America. Again, it is not in the Library of Congress, but it is in the leg branch of government and it is very important. It wouldn't work if it didn't represent the Congress of the United States. The Library originally had this program but now it has a mixed identity and a private-public board.

Mr. PRICE. Thank you, sir.

Mr. CRENSHAW. Mr. Honda.

Mr. HONDA. I thank Mr. Price because I was always curious about the Open World Program, and I think the chairman is correct that there are a lot of things that go on in the Library of Congress under your purview that a lot of Members, myself included, are not completely aware of.

PROMOTING CONGRESSIONAL AWARENESS OF THE LIBRARY

And I am going to go off subject for a second in the questions. It seems to me that if we are going to have an appreciation for the kinds of services this Library of Congress provides, the umbrella that you encompass, if it is to be appreciated by Members, new and old alike, there must be some way that we could look at how we orient our new Members and the more veterans also to the breadth of the information and the services that you do provide because perhaps the staff knows it. Maybe staff knows more than Members do on this. But if this kind of information is at our fingertips and we are not aware of it, it seems to me that some effort should be made in the orientation of our new Members and the staff just so that we understand why we are looking at a modest—well, no cuts and perhaps some modest increases in certain areas because it makes us more efficient and a better servant for our country and our constituents.

It is just a thought. You don't have to answer it. It might figure out how they work with new Members.

PROGRESS WITH TELEWORK

The issue of technology and telework and using technology to be able to make ourselves more efficient, I was wondering where we are at on that process. And in the past Chair Debbie Wasserman Schultz was very focused on putting telework policy into place in the CRS. Could you tell us where that is at and what feedback you may have from staff to this?

Mr. DIZARD. Each of our service units now has a telework program. And in the last pay period, about 600 staff teleworked. So we have about 16 percent of our staff who are teleworking, and that compares favorably to other Federal agencies.

Mr. HONDA. During the snow period, was there a peak in that?

Mr. DIZARD. Well, there is a new designation of unscheduled telework which the Executive Branch has implemented and we are figuring out whether we should implement a similar policy for snow days.

BUDGET FOR THOMAS

Mr. HONDA. And in the area of technology and sharing information, the Web site THOMAS was launched back in 1995 and it has been an exceptional success at providing the public with access to actions of Congress. How much are setting aside to support THOMAS, and what is the relationship of the Library of Congress with the Government Printing Office and for providing data to the site? Can you give us some information on that?

Mr. DIZARD. The THOMAS budget would be included—a great part of it would be included in our overall IT budget. I can go back and try to break that down for you. There is a lot of similar support between THOMAS and the congressional LIS system. But obviously your question about the Government Printing Office, they have been a partner with us as well as the House and the Senate in providing information for the past 15 years. I think we are working with——

Mr. HONDA. The Printing Office, a lot of the cost of the work that they do is recovered through fees that they charge. Does that also help with the financial impact that the Library of Congress provides, continues to provide this kind of service for the public?

Mr. DIZARD. There are no transfers between agencies. But if it helps GPO, it helps us. As I said, we are partners.

Mr. HONDA. I hope that the community, the general public understands that through THOMAS they have access to the information in the Library of Congress right on their laptops. And it is a great, I think, resource that the general public should know about, to know they are getting a good bang for their buck that you are putting out. The chairman and I would like to be able to say that this is what you are getting for your dollar. That is important.

Thank you, Mr. Chairman.

Mr. CRENSHAW. Thank you, Mr. Honda. We have a vote coming up pretty soon, but let's finish this. I don't have any more questions. I have some that I will submit for the record. But Mr. Bishop, please, if you have some additional questions.

INFORMATION SHARING BY THE LIBRARY

Mr. BISHOP. I am just torn that the tremendous work you do is unnoticed and taken for granted. I was just thinking about the multiplier effect that you have in terms of information sharing with all of the libraries in the United States of America and of course our Armed Forces abroad. Is the Library of Congress the basic source of information for virtually every library? Is every library based upon your organizational system? If you were to reorganize the system, would this require every library in the country to reorganize its cataloging system?

Dr. BILLINGTON. Yes. Everybody depends on the Library of Congress and it is widespread in the world more broadly. But it is essential for our own functioning of our library system. We also do free interlibrary loans. As I say, we have 24 million items online. So we are sharing a large amount of the Library with everybody. You can get that at home as well. But you are absolutely right. This needs to be used more. By the way, they have formed a Library of Congress Caucus to help develop better awareness. New Members are given an intensive long exposure in Williamsburg with their families that CRS arranges for every crop of new Members of Congress. But the idea of more orientation, more awareness, we are ready to respond to anything you ask. That is one reason we are sending this 18 wheeler truck with a little miniature Library of Congress around to the smaller towns' and bigger towns' libraries to know about us, and they will be benefiting more because their budgets are being reduced.

PRESERVATION OF ORIGINAL MATERIALS

Mr. BISHOP. You want more money because you need more storage space. Now everybody is trying to go paperless and we are trying to reduce the footprint for storage. Please offer the best arguments for why we should be keeping things instead of trying to preserve it in a digital form.

Dr. BILLINGTON. Because the digital form doesn't preserve things very well, we have to preserve it in its original form for a whole lot of reasons. But most importantly, we are increasingly aware of the vulnerability of digital material but also the impermanence of it. It is the magnetic tape or whatever it is on where the zeros and ones are recorded physically. You have to keep migrating the digital material. And as we are learning more and more about its vulnerabilities, it is never going to be entirely tamper-proof. There are all kinds of cybersecurity problems which we are addressing, we really have to address if we are going to keep using digital material.

Mr. BISHOP. Is part of your request for cybersecurity?

Dr. BILLINGTON. Yes. But at the same time, somebody has to keep the original version. If you don't keep the original version of music, for instance, you will end up with nothing but elevator music left because things get modified, changed. That is why Congress decided to keep a National Film Registry, National Sound Registry. We are the most creative country in the history of the world. More than 6 million pieces of sheet music in the copyright depository, but all of this stuff has to be acquired, preserved and made accessible. Those are the fundamental things that we do, and that is what that means, that if it is going to be preserved, you have to have it in correct preservation format.

Mr. BISHOP. Well, if preservation is concerned——

Dr. BILLINGTON. It was publicized where an individual went and altered a document to enhance his bona fides as a historian.

Mr. BISHOP. Is that going to cost you additional funds in order to make sure that does not happen again? Is this going to require an increase in budget? Could you just utilize security measures that you already have in place?

Dr. BILLINGTON. It depends on what new threats emerge but there is an inherent vulnerability that is not present in the physical. That is why we continue to house 147 million analog items. When we digitize something, we don't throw away the original. We got Amazon to give us some pro bono advice years ago about whether there is any way we can avoid all of this storage space? And they said there really is not, given your mission, given what you are supposed to do, to gather in the world's knowledge and not only acquire it but preserve it and make it accessible.

So this is an insurance policy. We also have backups. We are doing everything we can in the digital world, and the support this committee has given us in the past has enabled us to back up our digital material. Even so, there is an inherent vulnerability. Also, the method of decoding changes all the time. And suddenly the material that is recorded as zeros and ones is perishable, but the way decoding is, you could be left only with a lot of zeros or ones and the early digitized stuff is now lost forever. That is why Congress mandated 10 years ago that we get into this business of preservation.

CLOSING REMARKS

Mr. CRENSHAW. Thank you. Mr. Honda, do you have any more questions? Because I don't.

Mr. HONDA. Not in this area, but I understand we are going into the next area.

Mr. CALVERT. I apologize for being late. I had other commitments. But I appreciate your coming here this morning. I appreciate your testimony. And if I have any additional questions, I will submit them for the record, Mr. Chairman.

Mr. CRENSHAW. Thank you. We thank you for being here. Thank you for your testimony. I appreciate it very much. And we look forward to working with you.

[The statement of the Acting Register of Copyrights, Ms. Pallante, follows:]

Statement of Maria A. Pallante
Acting Register of Copyrights
before the
Subcommittee on Legislative Branch
Committee on Appropriations
United States House of Representatives
Fiscal 2012 Budget Request
March 11, 2011

Mr. Chairman, Mr. Honda, and Members of the Subcommittee:

Thank you for the opportunity to present the fiscal year 2012 budget request for the U.S. Copyright Office.

We deeply respect the commitment of the Congress to address the federal deficit and government spending, and we appreciate your consideration of our budgetary needs. Indeed, our talented and hardworking employees have always carried out the work of the Copyright Office with a sense of purpose and are fully prepared to share in the burden of these austere times. We are not seeking additional FTEs or funding for new projects at this time. However, we do wish to ensure that our existing staff is compensated competitively so that we may maintain a highly skilled and motivated workforce at a time when copyright law is increasingly complex and the Office's services are increasingly technical and in demand. Specifically, our requests are as follows:

1) A 1.7% increase ($0.843 million) over fiscal 2011 to support mandatory pay-related and price level increases affecting administration of the Office's core business systems and public services; and

2) An increase of 1.7 % over fiscal 2011 ($0.095 million) in offsetting collection authority of the Copyright Licensing Division to support mandatory pay-related and price level increases affecting the administration of the Office's licensing functions.

Program Overview

The U.S. Copyright Office has been part of the Library of Congress since 1870. The Office administers the copyright law of the United States, which traces its roots to the Constitution. Principal functions of the Office include administration of the national copyright registration and recordation systems and the mandatory deposit provisions for published works. Each year, the Office acquires hundreds of thousands of books, films, sound recordings and other creative works of authorship to the Library's national collection. In fiscal 2010, the Office transferred 814,243 copies to the Library at value of approximately $33 million.

The Office also administers the compulsory and statutory license provisions of the Copyright Act, including licenses for satellite and cable transmissions. The Licensing Division is responsible for collecting and investing royalty fees for later distribution to copyright owners, examining related documentation and recording certain licensing documents.

In terms of the larger U.S. economy, many authors, composers, book and software publishers, film and television producers, and creators of musical works depend on the registration system to help them enforce against copyright infringement. Based on a study released in 2009,[1] these core sectors – whose primary purpose is to produce and distribute creative works – account for more than 6% of the U.S. domestic gross product, or $889 billion (reflecting 2007 data, the most recent year for which data are available). The core copyright industries also employed 5.6 million workers (4.05% of U.S. workers), and that number doubles to over 11.7 million people (8.5% of the U.S. workforce) when the workers that help and support the distribution of these works are added into the equation. The Office facilitates transactions in the marketplace by assisting users of content to track the ownership of copyrighted content and the transfers and licenses of the exclusive rights afforded by law.

The Office has a dedicated team of legal and policy experts who advise Congress on domestic and international policy activities (for example, on legislation) and who also provide assistance and information to the judiciary and executive branch agencies (for example, on litigation of interest to the United States or on matters of bilateral or plurilateral trade). These duties are prescribed in chapter seven of the copyright law, 17 U.S.C. §701.

The Copyright Office is currently in a period of transition, following the retirement of Marybeth Peters on December 31, 2010, who directed the staff and functions for sixteen years. As the Acting Register, I, along with the Library's Chief of Staff, have spent many weeks speaking with a broad spectrum of stakeholders in the copyright community, from book publishers to the technology sector, discussing with them the issues that are or should be priorities of the Office in the coming years.

I have also been meeting with the managers and staff of the Copyright Office, individually or in small groups, to assess the views of those who work here and administer our public services, and to help set a path for our future business and the workplace environment of our employees. This assessment is still under way, but has already proved to be quite helpful to the Librarian and to me and should prove invaluable to the next Register, once appointed.

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[1] Stephen E. Siwek, *Copyright Industries in the U.S. Economy: The 2003-2007 Report*, prepared by Economists, Inc. for the International Intellectual Property Alliance (2009).

Program Funding

Funding for the Office derives from two sources: (1) user fees; and (2) appropriations. Over sixty percent of the Office's budget is collected from fees paid for copyright registration, document recordation, and related services. The remaining operating budget covers the policy, legal, adjudicatory, and support operations. To ensure that fees represent current costs and market conditions, the Office undertakes a triennial fee study, the most recent of which was published in fiscal 2009 with another planned for fiscal 2012. The Office's fiscal 2011 budget request was approximately $55.5 million, approximately $34 million of which was funded by Office revenues.

Registration of Copyright Claims

The Copyright Office has made tremendous progress in the past year in reducing the backlog of claims that occurred with the transition to an electronic registration system. In fiscal 2012, we will continue our efforts to improve operational efficiencies in the electronic registration system, including our continued efforts to decrease processing times for registration and recordation filings. Today, the system allows claimants to file registration applications on-line and, in many cases, to upload a digital copy of the work to fulfill the deposit requirement.

Since they were made available in July 2008, electronic filings quickly displaced the use of paper applications. To date in fiscal 2011, electronic filings constitute more than eighty percent of all claims received. The Copyright Office typically handles more than 500,000 copyright claims each year, representing well over one million works. In fiscal 2010, the Office received 522,796 claims to copyright, and closed 682,148, of which it registered 636,527 claims. The Office answered almost 316,000 non-fee information and reference inquiries and served a substantial number of visitors to the Public Information Office and the Copyright Public Records Reading Room.

In building the electronic system, the Office experienced a backlog of claims that was not unexpected given the major work process changes, temporary staff relocations, system testing and servicing, and widespread workforce training. The backlog peaked in 2009, but with support from the Library, the Office has reduced the backlog by hundreds of thousands of claims to around 180,000 as of this writing, while at the same time processing new claims at an average rate of 10,000 a week. We expect that our work on hand will fall to 150,000 claims within the next several weeks – an achievement that speaks to the dedication of our employees.

One issue we will continue to explore going forward is what might constitute a reasonable amount of work on hand for purposes of assessing operational success. Because the electronic filing system allows for hybrid submissions (where the application and fee, submitted on-line, are followed up by a hardcopy deposit mailed separately), and because some claims require the Office to further correspond with the applicant, the Office will always have categories of work that cannot be immediately processed. These claims (presently about 90,000) do not contribute to a backlog but are in fact an anticipated and routine part of the Office's business operations.

The Office is also cognizant of the need for quality assurance. While we are constantly exploring ways to improve our speed and efficiency, we remain mindful of our obligation to ensure the integrity of the registration records that we create and maintain. Fast processing times, although virtuous, cannot come at the expense of the accuracy and completeness of our public records.

Copyright Records Digitization Project

We continue to make progress in our multi-year project to digitize the millions of disparate pre-1978 copyright records, many of which represent works still protected by copyright law. (Records for post-1977 registrations are already available on-line.) This project is of utmost historic importance, as there is no complete back up of such records for preservation or security purposes. It is also of critical importance to our mission as an office of public record, making it easier for persons to locate copyright owners, analyze copyright term, and facilitate licensing. The records include registration information, assignments of copyrights and licensing documentation going back to the beginning of the Copyright Office and may well implicate works published before the Civil War.

In terms of legal relevance, the Office is prioritizing records for works published between 1923 and 1977, as in many instances, the copyright in such works has not yet expired. We plan to complete up to fifty percent of the card catalog records from this era by the end of fiscal 2012. In so doing, we will continue to test imaging quality, clarity, create searchable metadata, and plan for cross-referencing of the imaged records.

Licensing Division Reengineering

Business reengineering efforts for the Licensing Division began in fiscal 2011. Thus far, the Office has completed an operational baseline, consulted with external stakeholders, and begun benchmarking exercises against entities with similar functions. The goals of this reengineering effort are to: (1) decrease processing times for statements of account by thirty percent or more; (2) implement an on-line filing process; and (3) improve public access to Office records.

In fiscal 2010, the Licensing Division collected more than $274 million in royalties from cable and satellite companies subject to statutory licenses, accrued more than $4.3 million in interest on royalties for the copyright owners, and distributed more than $249 million to copyright owners. As part of our fiscal 2011 budget request, we sought an additional one-time authorization of $500,000 to cover any unforeseen reengineering expenses. As always, any funds not expended will be returned to the royalty pools.

In fiscal 2012, the Licensing Division will continue to collect and distribute royalty fees and examine licensing documentation. It also will implement and refine its new processes and technology systems. It will test systems for on-line cable licensing and expects to implement an electronic version of its more complex statements of account, which currently take up to fourteen months to process and which are typically of most interest to users. The Licensing Division will soon solicit proposals to develop the technical infrastructure required by reengineering.

As mentioned below, we are preparing, and will deliver to Congress, a report on market alternatives to statutory licensing, due in August 2011. The Office stands ready to assist and advise Congress with consideration of that report and to modify its operations should Congress enact any changes to current law.

Electronic Serials Project

As more and more journals, magazines, and newspapers are "born digital," the Copyright Office is leading a Library-wide effort to study, identify, obtain, and manage serials that publishers supply to us in electronic formats (eSerials). Although the project currently focuses on the mandatory deposit provisions under the law (i.e., the provisions requiring publishers to deposit copies of certain works with the Library of Congress within three months of publication), it serves as a test bed for the intake of works by the Library through other mechanisms, including the registration system. The Copyright Office administers the mandatory deposit provisions of the law and is currently working with other Library service units to develop an agency-wide accommodation for eSerials. We expect the initial phase of that project to be completed in September of 2011.

Legal and Policy Activities

The Office is never without complex work on the domestic and international policy fronts.

On-Line Piracy

Throughout the past several weeks, the Office has been conducting meetings with interested stakeholders in order to explore the current state of on-line infringement of copyright law and sale of counterfeit goods via so-called "rogue websites" and possible mechanisms by which to combat such piracy and widespread counterfeiting. The Judiciary Committees of both the House and Senate of the 112th Congress are focused on this issue and we are engaged in comprehensive fact gathering and research on a variety of complex issues in support of the Committees' work.

Technical Clarifications

At the end of fiscal 2010, the Office advised the Judiciary Committees of the need for legislation amending certain provisions of the Copyright Act to clarify the law, permit the Office to perform certain functions more efficiently by relying on electronic resources, and make technical corrections. The Copyright Cleanup, Clarifications, and Correction Act of 2010, based upon the Office's recommendations, was signed into law on December 9, 2010.

Termination of Transfers and Licenses by Authors

During fiscal 2011, the Office provided Congress with an analysis of the situation with respect to so-called "gap grants" under the termination provisions of Title 17; specifically, the analysis concerned grants entered into before January 1, 1978 for works that were not created until January 1, 1978 or later and discussed certain possible clarifications. The Office led an extensive public consultation process that included holding a public comment process on its preliminary proposals related to the outcome of the report, as well as a related regulatory process for which it expects to issue a final rule in fiscal 2012. The law requires that authors record the notices they serve on licensees with the Copyright Office (pursuant to certain deadlines) as a condition of termination.

Digital Millennium Copyright Act (DMCA)

In fiscal 2010, the Office concluded its fourth rulemaking on exemptions from the prohibition on circumvention of technological measures that control access to copyrighted works, as provided in 17 U.S.C. § 1201. The law requires that every three years the Copyright Office make recommendations to the Librarian of Congress regarding works that should be exempt from the statutory prohibition on the circumvention of access control mechanisms, provided the circumvention takes place in order to engage in noninfringing uses of copyrighted works.

In the most recent iteration issued in July of 2010, the Librarian announced six classes of works that are entitled to exemption. Notable exemptions include motion pictures on DVD, if the circumvention takes place for purposes of using short portions for the purpose of criticism or comment; software on mobile phones if circumvention is performed for the purpose of making the phone interoperable with other applications; and literary works distributed in eBook format for the benefit of the blind and visually impaired, provided that existing eBook versions of the title prevent access to the "read-aloud" function or to screen readers.

Other recent regulatory actions would allow the Library to demand the electronic deposit of published works available only on-line and allow the Copyright Office to accommodate on on-line submission of applications for group registrations involving photographs.

Report on Statutory Licenses

The Copyright Office worked closely with the staff of the House and Senate Judiciary Committees as well as the Congressional Budget Office in addressing issues relating to passage of the Satellite Television Extension and Localism Act (STELA), which reauthorized the statutory license for satellite carriers to carry certain over-the-air broadcast signals. In that legislation, Congress assigned the Copyright Office the task of preparing a comprehensive report to identify and explore marketplace alternatives to the statutory licenses in the law that allow for retransmission of over-the-air broadcast signals. To date, we have held a number of meetings with stakeholders and published a notice of inquiry seeking public comments. We expect to submit our Report by the August 29, 2011 deadline. This is a significant study because, although Congress has asked us on several occasions to study the cable and satellite statutory licenses for television programming, and we have on several occasions recommended the eventual phasing out of the those studies, this marks the first time Congress has expressly asked us to make recommendations on *how* to phase out those licenses.

Report on Pre-1972 Sound Recordings

The Office is also in the midst of its study on the copyright treatment of pre-1972 sound recordings, which was mandated in the Omnibus Appropriations Act of 2009. Specifically, the Office has been directed to study the desirability of, and means for, bringing sound recordings fixed before February 15, 1972 into the federal statutory copyright regime. Currently, state law governs such pre-1972 sound recordings, which in many cases is not well defined. Federal copyright law allows states to protect these pre-1972 sound recordings until February 15, 2067. Although behind schedule for this report, the Office began its preparatory work last year, including publishing a notice of inquiry for which we have received over fifty comments thus far. We will follow up in the spring of 2011 with hearings or roundtables, and expects to prepare its analysis and recommendations in the summer and fall. We are grateful for the Committee's agreement to extend the deadline for our report from March 11, 2011 to December 31, 2011.

Litigation

As in previous years, the Office assisted the Justice Department in a number of court cases involving copyright issues, including the preparation of an amicus brief filed with the Supreme Court in *Costco Wholesale Corp. v. Omega S.A,* a case concerning the first sale doctrine and the exclusive importation right that was affirmed by an equally divided court; and *Golan v. Holder,* a defense against a constitutional challenge to the "copyright restoration" provision of the Uruguay Round Agreements Act.

The Office continued to spend significant time evaluating the legal and business implications of the ongoing Google Book Search litigation and proposed settlement agreement, including the broader implications of the proposed settlement on the mass digitization of books and the treatment of "orphan" works – works for which rights holders are unknown or cannot be located. The Office is still awaiting a decision from the fairness hearing on the proposed settlement held on February 18, 2010; it will continue to monitor the progress of this case.

Accessible Works for the Blind and Individuals with Print Disabilities

Copyright Office attorneys continued to spend considerable time in fiscal 2011 examining the ways in which the United States provides copyrighted works in accessible formats to the blind, visually impaired and print-disabled, as well as similar issues involving cross-border access to copyrighted works in the context of national exceptions for the blind, visually impaired, and print-disabled and international copyright treaty obligations. The Office has worked diligently with other U.S. Government agencies in preparing for and attending meetings of the World Intellectual Property Organization's (WIPO) Standing Committee on Copyright and Related Rights, which has this issue on its agenda.

In fiscal 2010, in partnership with WIPO, we organized and hosted a week-long training for developing countries and countries in transition, the focus of which was accessibility and standard for protection under copyright laws worldwide. The Office is currently working with the Library's National Library Service for the Blind, as well as with advocates for the blind and other stakeholders, to explore ways to improve standards, resources and responsible cross border movement of works in accessible formats, including through participation in a voluntary WIPO Stakeholders' Platform pilot project for the cross-border transfer of accessible works.

Both the Library and the Office are working with the Department of Education and other federal government agencies as part of a statutorily mandated commission on issues involving access to copyright works for the visually impaired in the context of higher education. I am the chairperson of the legal subcommittee of the Commission, which will deliver a report to Congress before the end of fiscal 2012.

Other International Developments

Finally, we assisted federal government agencies with many multilateral, regional and bilateral negotiations and served on many U.S. delegations, including negotiations regarding the Anti-Counterfeiting Trade Agreement, the proposed Trans Pacific Partnership, and the Joint Commission on Commerce and Trade with China in addition to negotiations and meetings relating to the implementation of intellectual property provisions of existing Free Trade Agreements and Trade Promotion Agreements.

We also participated as part of the U.S. delegation at various WIPO meetings that addressed copyright issues, and participated on the interagency committee charged with preparing the annual Special 301 report issued by the United States Trade Representative.

The Office requested funds in fiscal 2011 to organize and host another international copyright training for developing countries, the intended focus of which is collective licensing and other innovative means of making copyrighted works available in the marketplace.

Conclusion

Mr. Chairman, I want to thank you for your consideration of our budget request today and for the committee's past support of the U.S. Copyright Office. Thank you in particular for considering the funding we require to sustain a first-rate staff and meet necessary expenses, enabling us to perform our core duties under the law.

[The statement of Director of CRS, Mr. Mulhollan, follows:]

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 2012 Budget Request
March 11, 2011

Mr. Chairman, Mr. Honda, and Members of the Subcommittee:

Thank you for the opportunity to present the fiscal year 2012 budget request for the Congressional Research Service (CRS). This will be my final testimony before the subcommittee. After 17 years as Director and 42 years with the Congressional Research Service, I am retiring from congressional service in April. It has been an honor and privilege to have served in a variety of capacities in CRS, an organization that I believe is critical to maintaining an informed national legislature. It is also one that is uniquely positioned to serve Congress in these times of budget constraints.

CRS: Pooled Staff for Congress

CRS has always prided itself as an extension of congressional staff, a pooled resource that is available to all of Congress. The range of its expertise and the disciplines that make up the Service's informational and analytical capacity were intended to relieve Member and committee offices of the need to hire specialized expertise to cover the many issues they confront on a daily basis. This was one of the central reasons for Congress' enhancement of CRS in the Legislative Reorganization Act of 1970.

In that act, among other important institutional changes, Congress increased CRS' permanent staff and the Congressional Research Service was reconstituted from the Legislative Reference Service and established as a cost-effective shared resource available to every Member regardless of seniority, party or position, and to every committee. The House Committee on Rules Report on the 1970 Act emphasized the importance of having such a nonpartisan resource accessible to all Members when it wrote that a shared staff would:

> Insure the equal availability of information to both Houses of Congress; insulate the analytical phase of program review and policy analysis from political biases and therefore produce a more credible and objective product and more easily develop common frames of reference and analytical techniques that would make such analyses more useful and meaningful to all committees.

The Rules Committee went on to stress the efficiency of such a shared research staff:

> Finally, the pooling principle underlying supplementary staffs makes them inherently more economical and efficient than dispersed staffs, for they can more easily reallocate resources as changing conditions and congressional needs warrant.

The Committee's reference to CRS' ability to "develop common frames of reference and analytical techniques that would make such analyses more useful and meaningful to all committees" points to an important hallmark of CRS' work, namely its experts' familiarity with how issues are positioned in the legislative context, their knowledge of how Congress and the law work and their insights into the decision making processes of the executive agencies that implement the law. This, combined with institutional memory developed over years of working with Members and committees, make for a potent unique resource that I would argue Congress can get nowhere else.

As we enter a time of budgetary constraints, I think it is especially important that Congress appreciate that we are its shared staff, complementing its personal and committee staff, providing cost-effective expertise whenever and wherever needed.

We, of course, are prepared to do our part to achieve savings and contribute to the goal of efficient legislative branch operations. I feel that our request for additional staff in certain specialized areas is consistent with the vision of a CRS that efficiently serves all of Congress. It is staff that can be shared with all Members and committees.

We also plan to leverage web tools and client and management information systems to enable more focused and responsive support in the face of budget pressures. In difficult budget times, CRS offers a model that achieves economies and savings and at the same time provides the expertise and resources to Congress to legislate in an informed manner and to effectively oversee the operations of government.

Support for Congress

Highlights of the last session of Congress and CRS' preparations for the 112th Congress illustrate how CRS can bring to bear the breadth and depth of its expertise to provide continuing legislative assistance to Members and committees.

Before the post-election session of the 111th Congress ended, CRS was planning for the 112th by identifying the issues that were likely to be on the legislative agenda, forming multidisciplinary teams around these current legislative issues, preparing and updating reports and positioning itself to help Members and committees more clearly understand the problems facing them and the country and identify and analyze options for dealing with them. We cluster this work around a Current Legislative Issues framework which is an organizing principle for our collaborative work across the Service and a primary means by which we present this work on our web site.

Over 160 issues were identified and, shortly after the 112th Congress convened, we had populated our web site with relevant products and prepared overview issue statements for each of the issues. That array of analysis and information provides all Members access to the best thinking of CRS analysts and information professionals on the issues that are currently or likely to appear on the legislative agenda. The analysis and information are available to all. But just as important, if not more so, this body of work enables direct access to our experts, whose names, phone numbers and e-mail addresses appear on all of our reports. These experts stand ready to consult with Members and congressional staff, prepare tailored analyses of specific questions, and to regularly update their reports to reflect where issues are currently positioned in the legislative process.

This anticipatory legislative planning work spanned several months and resulted in CRS being well placed to provide products and services to the incoming 112th Congress. However, as we all know, even the best planning cannot anticipate all issues that may suddenly confront Congress. CRS has the analytical flexibility to address quickly emerging issues. For example, the ousting of the president of Tunisia quickly fanned unrest in Egypt and other countries in the Middle East. As pressure mounted on President Mubarak to leave office, we quickly updated our reports on Egypt and other countries such as Bahrain, Yemen and Libya that were experiencing popular uprisings and highlighted that body of work on the home page of our web site. We also reorganized our Current Legislative Issues framework for the Middle East to focus on the unrest that was engulfing the region. In addition to products focused on specific countries, analyses also treated the impact of the unrest on oil supplies and the security posture of the United States. And, of course, our Middle East experts conducted numerous briefings and prepared tailored analyses of questions raised by the turmoil.

This confluence of our regular legislative planning work and the mobilization of our expertise in response to breaking events demonstrates how CRS can pool its resources and stand ready to serve the long and short-term needs of Congress. These first few months of the 112th Congress have underscored the contributions CRS can make to the policy debates in Congress. CRS places the array of issues that the Congress is likely to face in a framework that is accessible and that discusses those issues in the legislative context in which they will be debated. And the Service can respond quickly to events that can overtake the legislative agenda and demand the attention of Congress and the country with focused analyses and ready availability of experts from all disciplines.

I must also note another important aspect of our support of the Congress – our congressional operations work. We maintain a large body of reports and information on the procedures and operations of Congress and these will soon be better integrated into our web site offerings to make them more accessible. Our expertise on congressional procedure is unparalleled and we make that expertise available not only through reports and tailored work by legislative procedure analysts but also through an extensive education program of seminars on all aspects of the legislative process. This expertise was on display during the new Members program in January in Williamsburg through seminars on legislative procedure and the budget process and remains available to all Members.

The 112th Congress saw a number of rules changes in the House, including the requirement that all bills be accompanied by a statement of constitutional authority. The day the rule was approved, CRS placed on the home page of its web site links to several reports designed to assist Members in preparing these constitutional authority statements. Both the House Rules Committee and House Legislative Counsel cited this material as a resource for Members about to introduce bills. Links to these authority statements have also been added to the Legislative Information System. Much like its response to unrest in the Middle East, CRS mobilized its expertise to support Congress (in this case the House) with analysis and information on a change in the legislative environment that impacted all House Members.

A number of high-profile events in the last session of the 111th Congress also demonstrate the breadth and depth of the support CRS provides to the Congress.

When the Deepwater Horizon oil rig exploded and sank in the Gulf of Mexico in April 2010, CRS developed timely research and analytical support at every stage of the legislative process, including numerous hearings and development of legislative proposals. We also posted new research resources on our Web site with links to news, relevant legislation, hearings in both chambers, and an oil spill events time line. CRS specialists – with economic, scientific and legal expertise - provided expert witnesses at hearings and collaborated with lawmakers on many aspects of federal jurisdiction over Outer Continental Shelf resources, fisheries, worker safety, emergency response, insurance, and - after the well was capped - the use of moneys from the Oil Spill Liability Trust Fund for the federal spill response and implications of the deepwater drilling moratorium.

2010 also saw enactment of major financial regulatory and health care legislation. With respect to the latter, CRS supported Congress throughout the legislative process, including detailed analyses of proposals and numerous briefings and programs. CRS experts addressed such complex issues as the implications of changes in dependency coverage, establishment of state high-risk pools for individuals with pre-existing health conditions, the creation of small business health insurance tax credits, and also explored legal and policy issues associated with mandating that individuals purchase health insurance. After passage of the law, CRS prepared analyses of the numerous new entities created by the law as well as the steps needed to be taken in the rule-making process. Our attorneys have also tracked the continuing litigation over the validity of the law and analyzed the court decisions as they have been issued.

With respect to the Dodd-Frank Wall Street Reform and Consumer Protection Act, lawmakers relied on CRS testimony, numerous reports and memoranda, personal consultations, programs and authoritative comparisons of legislative provisions contained in the House and Senate versions of the legislation. Our experts also supported congressional committees in overseeing the $700 billion Troubled Asset Relief Program

(TARP) and examined other federal assistance given to large financial institutions by the Federal Reserve.

CRS analysis also addressed efforts in the last Congress to promote job creation and increase employment in the wake of the economic crisis and recession. Because of the severity of the recession and the subsequent slow pace of economic recovery, Congress sought analysis and information on the relative depth of the recent recession compared to past recessions and on programs and policies that have the potential of helping unemployed workers secure work. CRS analyzed employment trends before and after the end of previous recessions, long-term unemployment and recessions, countercyclical job creation programs, the employment effects of infrastructure spending, and training programs available for unemployed workers.

CRS provided support regarding numerous foreign policy issues in 2010, including the wars in Afghanistan and Iraq, United States – Pakistan relations, the Greek and European debt crises, trade issues with China, and Iran and North Korean sanctions. CRS experts also provided insight to Congress as it began to explore the emerging areas of cyber security and other cyber operations, including the relationship between information operations and cyber warfare.

Immigration reform reemerged in 2010 and CRS was asked to assess various reform proposals as well as to analyze the actions that states were taking with respect to immigrants and border security. Tax experts analyzed the impact of various tax proposals including extending prior years' tax cuts. Military detainees, campaign finance and gun control continued to be of congressional interest, the debates being influenced by recent court decisions. CRS attorneys and policy experts collaborated on analyses of these issues.

The foregoing are examples of the degree of involvement of CRS in the legislative and oversight work of the last Congress as well as during the initial months of this Congress. The collaboration among multidisciplinary experts, the breadth of issue coverage, the ability to respond in the face of breaking events and the close proximity of CRS to Congress all combine to enable CRS to serve efficiently as shared staff and a pooled resource to be drawn upon by all offices and committees of Congress.

Customer Satisfaction

I noted in my testimony last year, that CRS, at the direction of the subcommittee, contracted with LMI, a not-for-profit strategic consulting firm, to independently evaluate CRS' current staffing models and procedures to determine how effectively we are meeting our statutory mandate. LMI conducted Member and staff surveys and interviews, reported on best practices for research organizations geared to ensuring responsiveness to client needs, and assessed communication channels that would ensure that CRS remains aligned with the work of the Congress and the needs of its clients. Its August report was distributed to the subcommittee and to CRS overseers.

LMI found a high degree of satisfaction with CRS products and services and found us to be a reliable, timely and authoritative source of expertise for the entire range of congressional clients. We are addressing areas in which LMI recommended improvements based on the feedback it obtained, including examining our product line, improving our web site and exploring options to ensure that CRS availability is aligned with the operations of congressional staff. Again, it was gratifying to receive the endorsement that we are doing a good job of serving the Congress but there is always room for improvement and these challenging budget times make it all the more imperative that we strive to become the most efficient and cost-effective resource for the Congress that we can be.

Fiscal Year 2012 Budget Request

The CRS budget request for fiscal year 2012 is $117.1 million, with almost 90 percent devoted to pay and benefits for our staff. CRS continues to operate at its lowest staff level in more than three decades, and the small percentage of non-pay expenditures is limited to basic operational needs. The requested program increase will obtain additional specialized technical skills and policy expertise to expand the capabilities of the Service and meet the growing policy demands placed upon Congress.

An internal review of our capabilities to analyze the evolving and increasingly complex challenges facing the Congress identified gaps in the specialized skills needed for comprehensive multidisciplinary analyses and assessments. This budget request includes $2.7 million for 17 FTEs needed to address these concerns. This will strengthen research capabilities in science, engineering and technology and the broader expertise in these areas will enable CRS to respond more readily to rapidly changing science and technology policy debates. The economic crisis and the major financial regulatory legislation enacted in its aftermath require additional CRS expertise in financial accounting, consumer protection and financial sector regulation in order to effectively support Congress' legislative and oversight work in these areas. Additional expertise is also needed to support multidisciplinary research on policy options in the wake of the enactment of health care reform legislation as well as analysis of the potential effects of proposed changes in the organization, financing and delivery of health care services. Finally, CRS is asking for additional positions to address the many complex issues pertaining to employment, immigration, the workforce and the economic well-being of U.S. residents.

Conclusion

This budget request identifies resources needed for CRS to provide the full scope of information and analysis that is relevant to the work of every Member and committee of Congress. My colleagues and I have and will continue to examine every activity and program for efficiencies and reduce or eliminate costs where possible while fulfilling our mission. We are proud of our unique role as shared congressional staff in providing comprehensive, non-partisan, confidential, authoritative, and objective research and analysis to the Congress, and we thank you for your support.

Mr. CRENSHAW. I have some questions I will submit to be answered for the record. Also, there are questions for the record from Mr. Honda, Mr. Price and Mr. Bishop.

[The questions and responses follow:]

Hearing on the Library of Congress Fiscal 2012 Budget Request
March 11, 2011 at 10 a.m.
HT-2, Capitol

Questions for the Record
Chairman Ander Crenshaw

UNIVERSAL COLLECTION DUPLICATION

Question. One of the Library's goals is to acquire, preserve, and provide access to its universal collections. Other university libraries and institutions have programs to accomplish this same goal. Have you considered working with others to lessen the collection duplication of materials between the Library of Congress and State universities thus lessening cost to the Federal and State governments?

Response: The Library of Congress is the *de facto* national library of the United States. It collects and preserves the mint record of American creativity and collects a representative sample of the world's knowledge. The Library's mission is the acquisition and preservation of America's cultural heritage. The Library, therefore, is collecting more broadly to build and sustain a universal collection of content that will be of immediate use to Congress and long term use to current and future researchers.

- The Library has a set of some 76 collections policy statements that were all revised in the past two years. Staff adheres to these statements in making decisions on what to add to the Library's collections. These statements guide the Library's collecting activities.
- The intersecting responsibilities for acquiring materials in the medical and agricultural disciplines are prescribed in the statements. The Library does not collect in medicine or agriculture, leaving those areas to the two other national libraries, the National Library of Medicine and the National Agricultural Library.
- University libraries, unlike the Library of Congress, primarily support the curricular and research needs of their academic communities. This means that their acquisitions and collections building are more limited than the Library's.
- University libraries increasingly rely on the Library for collection items that the libraries do not or cannot acquire. This has become even more so as local budgets have been reduced by as much as 30 percent over the past several years.

PAY INCREASES

Question. As you know the Congress has not completed its work on FY 2011 and at this time the Legislative Branch is operating at a fiscal year 2010 level. The budget that you have proposed includes $8.8 million for pay increases. My question to you is how are you operating within your current budget and considering it will be very difficult, if not impossible, to provide any increase in FY 2012. With no cost-of-living being given to Federal employees, why are you requesting almost $9 million dollars for pay increases? And of this amount $800,000 is requested for Foreign Service Nationals (FSN's). If Federal employees are not receiving a cost-of-living, why are FSN's receiving one?

After all, this $800,000 could be applied to the CRS program increase and cover 30% of that request.

Response: Operating at the fiscal 2010 level of funding is presenting tremendous operating challenges to the Library, as we absorb the substantial costs of inflation and mandatory pay increases by reducing funding for programs. The $8.8 million request for pay increases includes funding required for within-grade increases, adjustments to the rate of pay of FSNs (dictated by the Department of State for fluctuating currency rates, not cost-of-living adjustments), and an agency rate adjustment associated with FERS. These are mandatory costs, separate and apart from the cost-of-living adjustments that will not be given to employees.

CONGRESSIONAL MANDATES

Question. How much of your CRS workload is attributed to Congressional mandates? How much is self initiated?

Response: By law, CRS is required to serve the Congress both by responding to requests and by anticipating congressional needs. Under 2 USC 166(d)(4), CRS is to "upon request, or upon its own initiative in anticipation of requests" prepare analyses related to legislation. 2 USC 166(d)(5) directs CRS "upon request, or upon its own initiative in anticipation of requests," to prepare information and research to assist Members in their legislative and representational functions. CRS is also directed to prepare for each committee, a list of policy areas that the committees "might profitably analyze in depth." 2 USC 166(d)(3). The Current Legislative Issues framework around which much of the CRS web site is organized serves this function. For the 112th Congress, CRS identified 165 issues that are likely to appear on the legislative agenda. Moreover, CRS maintains more than 2,000 active reports addressing those issues. The Service discussed this evaluation with the House and Senate joint leadership to ensure that all potential legislative issues were identified for the first session of the 112th Congress. The legislative history of the Legislative Reorganization Act of 1970 specifically noted the importance of this task: "Advance planning is essential if committees are to derive the maximum benefits from the resources to be available by the Congressional Research Service." H.Rept. No. 91-1215, 91st Cong., 2d Sess. 18 (1970).

For fiscal year 2010, the CRS request management system logged 78,276 congressional requests submitted by phone, letter, e-mail or via the web request form. These requests were responded to in writing, phone call, e-mail or in-person briefing. However, clients also utilized CRS by viewing or downloading CRS reports from the CRS website 583,589 times.

Analytical work done in anticipation of legislative activity or events that may require a federal response positions CRS to be responsive in a timely and authoritative manner when such events occur. For example, when the earthquake and tsunami struck Japan, CRS had reports on earthquakes, tsunamis, and relief efforts on its web site within 24 hours. When security of nuclear plants quickly became an issue, CRS' body of work on nuclear energy and security was available and new reports, building on these previous reports, were added to provide Congress with a full perspective on the crisis in Japan.

Because of the reports CRS maintains on various countries in the Middle East, we were able to quickly make available to Congress updated reports on the unrest in the various countries in that region. These were fast moving events, but CRS updated reports on Tunisia, Egypt, Bahrain, Jordan, Libya, and Saudi Arabia as protests broke out in those countries.

CRS was similarly poised to provide timely analysis on the Gulf Oil spill and its aftermath because of work it had already prepared on off-shore oil drilling technology, environmental clean-up efforts, economic impact of oil-related events and compensation models in the case of disasters.

CRS' RESEARCH EXPERTISE

Question. CRS is requesting a $2.7 million increase for an additional 17 FTEs to broaden research expertise and abilities. What specific areas are in need of additional expertise? Is this need based on Congressional requests or internal CRS analysis?

Response: The expertise of these 17 additional FTEs is needed to respond to ongoing Congressional requests and develop information and analysis in areas that are likely to be prominent in the Congressional agenda. As the complexity of legislative problems increase, there is a need for additional expertise to thoroughly examine issues and generate policy options for Congressional consideration.

The requests to broaden CRS expertise and strengthen analytical capacity are in the following critical areas with complex emerging policy problems:

- Science and Technology: Six experts (analysts in energy, climate change, nanotechnology, information technology, information policy, and physics/chemistry) to strengthen research capabilities in science, engineering and technology and enable CRS to respond more readily to rapidly changing science and technology policy debates.
- Financial Economics and Accounting: Four experts (analysts in behavioral economics, financial economics, financial sector accounting and audits, and an information specialist) to effectively support Congress' legislative and oversight work in the aftermath of the economic crisis and enactment of major financial regulatory legislation.
- Health: Four experts (analysts in health informatics, state health policy, veterans affairs, and an information specialist) to support multidisciplinary research on policy options in health care reform as well as analysis of the potential effects of proposed changes in the organization, financing and delivery of health care services.
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- Labor and Immigration: Three experts (demographer, analyst in income security/tax specialist, and a statistician) to address the many complex issues pertaining to employment, immigration, the workforce and the economic well-being of U.S. residents.

Science and technology experts are needed to respond to increasingly sophisticated questions involving homeland security. Senate bill S.1649, Title IV, (Sec. 403) requires: "the Director of the Congressional Research Service (CRS) to establish an interdisciplinary capability to advise Congress concerning technology or technological applications developed or used for countering terrorism." Additional expertise in financial accounting, consumer protection, and financial sector regulation will provide the capability to respond to Congressional requests involving accounting issues and improve support for legislative and oversight work. A broader range of health expertise will help in responding to thousands of requests from Congress and provide additional analysis of our health care system (e.g., exploring the variability in state health care systems, evaluating the technical consequences of health information technology initiatives, understanding the applicability of the veteran health system quality initiatives for the larger health care system). Strengthening the quantitative support in the areas of labor and immigration improves responsiveness and increases understanding and improves responsiveness in the areas of demographic change, workforce dynamics, and economic policy. In addition, CRS could strengthen our analyses and direct support to Congressional clients on the use of tax policy to affect the economic well-being of the U.S. population.

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Questions for the Record
Mr. Michael Honda, Ranking Member

OFFICE OF OPPORTUNITY, INCLUSIVENESS AND COMPLIANCE

Question. How many staff are currently on board at OIC? Does that level fully staff the office?

Response: OIC staffing was reduced from 19 to 12 FTEs through a reorganization. The Library determined the present staffing level after conducting a management review, in which it researched staffing levels for equivalent functions and services at other legislative and executive branch agencies. The office is currently staffed by nine full-time employees and is in the process of recruiting a Program Specialist. In addition the office is supported by one contract Interpreter and one contract Convener.

BOOKS FOR THE BLIND

Question. For the record, please provide the appropriations provided to date by fiscal year for the digital conversion effort. Also include the amounts obligated to date.

Response: Funding appropriated for fiscal years 2005 – 2010 for the production of digital players and media has been close to fully obligated. For fiscal 2011, funding has been committed. All fiscal 2011 funding will be obligated by year end.

Fiscal Year	**Appropriation**	**Obligations**
2005	**$1.5 million**	**$1.5 million**
2006	**$1.5 million**	**$1.5 million**
2007	**$1.5 million**	**$1.5 million**
2008	**$13.5 million**	**$13.5 million**
2009	**$13.98 million**	**$13.98 million**
2010	**$13.99 million**	**$13.34 million**
2011	**$13.99 million**	**$4.993 million**

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PRIVATE FUNDING

Question. Does the Library have a yearly fundraising goal?

Response: The Library's fundraising goals vary from year to year based upon priorities determined by the Librarian of Congress. The Library seeks to develop individual, corporate, and foundation relationships that will strengthen the Library's programs and extend Library services to new constituencies. The Development Office, in consultation with the Librarian of Congress and other senior Library managers, formulates and implements a comprehensive private-sector development plan for the Library. The James Madison Council – the Library's private sector advisory group – provides substantial support for a number of initiatives through annual contributions and additional gifts.

Question. Are there statutory challenges to raising and using outside funding?

Response: There are two types of outside funding that are of great benefit the Library: (1) donations in the form of long-term endowments or short-term grants and gifts; and (2) revenue from fee-for-service activities or royalties.

Donations: The Library has benefitted from robust statutory authority to accept gifts and bequests ever since the Congress established the Library of Congress Trust Fund Board in 1925. Under the Library's gift statutes at 2 U.S.C. § 154 *et seq.* the Trust Fund Board accepts endowments for the long-term benefit of the Library (with the approval of the Joint Committee on the Library) and the Librarian accept grants and other gifts of money for short-term use. The statute authorizes the Trust Fund Board to invest the Library's donated funds and also authorizes the Board to accept and sell real estate, securities, or other property for the benefit of the Library.

It would be helpful to update the 1925 statute in two ways:

- At the current time, securities are only accepted and sold by the Trust Fund Board to fund long-term endowments with a minimum value of $25,000. Authorizing the Librarian to accept and liquidate relatively smaller gifts of securities and to use the funds for short-term projects would be helpful.

- In the current economy, there may be donors who are unable to give funds to the Library but may be able to give support in-kind. Right now, only the Trust Fund Board can accept in-kind gifts of non-collections property such as equipment. Neither the Trust Fund Board nor the Library has general authority to accept gifts of services. Authorizing the Librarian to accept in-kind gifts and to accept gifts of services would be helpful.

Revenue: The Library has several revolving fund statutes that provide authority to operate certain fee-for-service activities on a cost recovery basis. These include the Library gift shop and duplication service; the overseas cooperative acquisition program for research libraries; the FEDLINK procurement consortium for Federal libraries; and the Federal Research program for Federal agencies.

- The Library would like to be able to offer three other types of services on a cost-recovery basis:
  - for film archives and libraries, temporary storage of audiovisual collections at the Library's Packard Campus;
  - sending Library exhibitions to other venues; and
  - specialized training for libraries in preservation techniques and other areas of library expertise.

- The Library would also like to be able to partner with publishers to digitize and distribute historical materials from the Library's collections and to both recover the immediate costs of the effort (as we are authorized to do) and to receive royalties on an on-going basis for the general benefit of the Library. Right now, our revolving fund statutes only authorize cost-recovery and require that all revenue for services rendered must "revolve" back into the same fund to provide more of the same service.

OVERSEAS OFFICES / SAFETY

Question. What is the Library doing to ensure the safety of staff in the overseas offices?

Response: The Library ensures the safety of the staff working in the overseas offices by supporting their location within Embassy compounds. For offices located outside Embassy compounds, the Library works with the State Department to obtain safe buildings as worksites. Those sites are refurbished to make them more secure and safe. The Library, through the State Department administered International Cooperative Administrative Support Services (ICASS), funds security services, such as local guards, to further enhance security. With the assistance of the State Department, secure and safe residences are identified for the American employees. For acquisitions trips, the offices work with local U.S. embassies to use embassy drivers, as necessary, and travelers follow advisories issued for the areas of travel.

WORLD DIGITAL LIBRARY

Question. Is the World Digital Library funded through base appropriations? What is the Library's total cost of this project?

Response. The World Digital Library is not funded through base appropriations. Through a range of corporate, foundation, and individual donations, the Library has currently budgeted approximately $1.4 million in support of the World Digital Library.

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COPYRIGHT BACKLOG

Question. How many claims are currently in the copyright backlog?

Response: As of March 20, 2011, the Copyright Office had a total of 263,111 claims on hand, 166,835 of which were available for processing – very close to the normal in-process volume of 150,000 claims. An additional 96,276 claims have been identified as requiring some type of customer action (for example, applications for which no fee, or an insufficient fee, was submitted, or applications that await submission of one or more deposit copies).

Question. Is the FY 2012 budget request sufficient to continue to reduce the copyright backlog?

Response: The fiscal 2012 budget request is very lean but is sufficient to maintain Copyright's current processing rates. It will not allow the hiring of additional staff or undertaking new projects.

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Questions for the Record
Mr. Price

OPEN WORLD PROGRAM

Question. It seems Open World's success lies in, among other things, its ability to create ties between emerging young Eurasian leaders and their American professional counterparts. With the effective focus on legislators from all levels and regions of Open World countries to highlight for them the transparency and accessibility of the American system, how will Open World's new Strategic Plan capitalize on these successes and continue to grow the partnerships and relationships underway with communities throughout the U.S.?

Response: Open World's new Strategic Plan increases the Center's emphasis on legislative programs, focuses on a younger cohort of leaders, and multiplies the impact of partnerships created by U.S. communities with visiting delegates. For example, seven of Open World's nine program countries either held parliamentary elections last year or are scheduled to have one in the next 24 months. To meet our goal to serve members of Congress, we are bringing a total of eight delegations of Parliamentarians this year from Kazakhstan, Kyrgyzstan (2), Moldova, Azerbaijan, Georgia, Russia and Ukraine. Our most recent delegation of two 28 year old Russian Duma members met last month with seven members of Congress to discuss a range of issues including education, health, and increased parliamentary ties.

Building on our work from last year, in February and March U.S. state legislators in ten states hosted more than 70 regional parliamentarians from Russia and Ukraine to solidify and create partnerships. If current patterns hold true, some of these rising leaders will serve in their national parliament, and will carry with them the professional and personal ties formed with U.S. counterparts.

In one remarkable result from Open World's work, a Kyrgyz parliamentarian alumnus recently co-authored the judicial portion of his country's new constitution, stating "my experience from [the] Open World Program and the copy of the Montana State constitution helped me in revising the new constitution using the basic principles and concepts that work in the U.S." More than fifty percent of our 1370 participants met with Members of Congress or their staff last year and Open World will strive to increase these encounters both at the federal and regional level.

In the future, the Center will develop more links between members of Congress and their foreign counterparts who share interests in legislative themes such as anti-human trafficking, open and free elections, accountability, and rule of law.

Consistent with Open World's mandate to focus on emerging young leaders, the average age of Open World participants is 38 years old. The Open World Board Trustees sees an unprecedented opportunity to bring the even younger post-Soviet era generation of legislators, entrepreneurs, and professionals - a dynamic and thoughtful group of emerging leaders without the baggage of the Cold War years who seek meaningful dialogue and partnership with their American counterparts. While many speak of a demographic crisis in Eurasia, Open World also sees an opportunity given the fact that a significant population of Eurasians are in their mid-20s.

As a legislative branch agency, Open World is uniquely suited to link citizen ambassadors in communities throughout America with this rising crop of leaders in spheres related to non-proliferation, business, rule of law and accountable governance. Open World's new Strategic Plan leverages the success of the first decade by renewing its emphasis on obtaining quality nominations for delegates, supporting Congress, further improving programming in the United States, and increasing the number of delegates from the rising generation. Open World will also focus energy on the most robust existing partnerships and jumpstart promising new ties between Americans and their counterparts in Open World countries.

For example, an established Open World partner organization in Eastern Iowa was invigorated recently by their Russian guests who were young municipal officials. The organizer, Steve Williams, writes: "It is the opinion of the organizers that the quality of delegates has grown each year. This was the most curious, active group of delegates we have hosted. Their energy and focus were infectious." As a result, one of the delegates, the mayor of Krasny Yar, Russia, and one of the organizers, the former mayor of Marion, Iowa, are working on a sister city agreement between the two communities.

Another example from Maryland that demonstrates Open World's commitment to supporting existing partnerships and initiatives is the Center's involvement with the 15-year-old relationship between Maryland and Russia's Leningrad Region. Open World has sponsored 15 Leningrad-Region delegation visits to Maryland since 2002, helping this sister-state partnership work on such substantive areas as accountable governance, education, social services, and the rule of law. In addition, judges and state government officials have made numerous reciprocal visits to the Leningrad region to continue this cooperation. In 2012, a delegation from the Maryland General Assembly will travel to Russia to meet with the regional legislators they hosted in Annapolis in 2010 and 2011.

Open World contributes to the robust partnership between North Carolina and the country of Moldova by bringing Members of Parliament, mayors, agricultural specialists, and leaders in the private sector to interact with their enthusiastic American counterparts. Last year, the visiting Moldovan members of Parliament vowed to establish a North Carolina caucus in their Parliament after hearing firsthand about the sister state assistance from North Carolina in education, libraries, and health. The next Open World delegation of Moldovan parliamentarians arrives in Raleigh on May 13 and Open World's legislative host will be Rep. Renee Ellmers.

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Open World also supports partnerships focused on particular issues such as human trafficking and human rights. An Open World grantee based at George Mason University in Virginia, the Terrorism Transnational Crime and Corruption Center, has hosted several Ukrainian delegations on the issue of human trafficking and child exploitation. These programs help to partner Ukrainian and American law enforcement to increase efforts to combat child exploitation in Ukraine, as well as prosecute cases with transnational, including American, components. The Open World programming for 2011 will include a no-cost contribution of delegate training by the International Center for Missing and Exploited Children.

Another facet of the new Strategic Plan is to increase the multiplier effects of Open World through its alumni network. As American leaders visit Russia, they are warmly received by the alumni and find ways to develop concrete ties through projects and partnerships. One such example is a $150,000 grant from the Bristol-Myers Squibb Foundation to an Open World partner that will allow nurses in La Crosse, Wisconsin, and Balakovo, Russia to work together on cancer prevention and treatment. At the end of the two year project, it is anticipated that Open World alumni will have trained approximately 500 nurses in state of the art cancer care.

Attorney John Hall, of Atlanta, Georgia, first hosted Open World delegates from the Republic of Georgia in 2007. After hosting several such delegations, he developed an interest in the region as well as a network of contacts that led to his becoming the Honorary Consul General of the Republic of Georgia in 2009, helping to coordinate the visit of five Members of Congress to Tbilisi, organizing an economic forum in Atlanta, and opening his firm's business in Tbilisi last year.

Up to 60 U.S. university student body presidents will have visited Russia by December 2011 in a Russian government sponsored exchange program that is both informed and inspired by the Open World model. Representatives Ed Royce, Dan Burton, Tom Price and David Price are some of the Members of Congress who nominated student body presidents for this exchange.

Each program relies on the enthusiasm of our hosts and the quality of our nominees. As the above examples show, Open World opens the door for highly effective partnerships. As part of our strategic plan, we will look to expand to other regions in which our model fits. As the Board considers possibilities, we will keep members of the subcommittee informed.

Finally, we strive to be a model agency. Each year we find efficiencies, develop creative solutions to improving our quality, and measure our success against our goals. We will keep our overhead at 7%, and we plan to have a minimum of 20% of our costs covered by gifts, joint projects, and cost shares.

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Questions for the Record
Mr. Sanford Bishop

DIGITAL TALKING BOOK PROGRAM

Question. I am interested in learning more about the Library of Congress' Books for the Blind and Physically Handicapped program, which I understand is celebrating its 80th birthday this year. My Congressional District is home to the Georgia Industries of the Blind in Bainbridge, which has been providing employment opportunities to individuals with severe visual impairments since March 1949. Bainbridge also has a large collection of recorded media and reference materials in Braille for use by the blind and the physically handicapped, and I know that they partner with the Library of Congress for the provision of such materials.

I understand that this program recently received substantial funding to transition materials for the blind and physically handicapped to a digital format. Now that the transition is largely complete, what has the feedback been from users?

Response: Patron response to the new digital talking-book player has been overwhelmingly positive. Patrons comment most frequently on the size, compactness, and portability of the player; its ease of use; and the high-quality audio from the built-in speaker. Patrons with computer access are enthusiastic over their ability to download books, set personal bookmarks, and navigate within the audio book almost as easily as a sighted reader can page through a print book. The president of the National Federation of the Blind of Georgia, Garrick Scott, offered the following comment: "One of the three biggest things I like about the digital player is that it is smaller and lighter, which is much more conducive to traveling. Also, I enjoy the ability to find my place in the book quicker. And lastly, I am able to get books myself and look up different things I would want to read at my leisure and not just during the hours of operation for the library." And Dr. Marc Maurer, president of the National Federation of the Blind, stated that the National Library Service for the Blind and Physically Handicapped is "the envy of people around the world...the best library for the blind you can find anywhere."

By the end of February, 2011, NLS had issued 321,352 digital talking-book machines to libraries in all fifty states. By the end of February, 2011, nearly 8,000 patrons in Georgia had received digital players from a total audio book patron population of approximately 12,500 registered individuals. By the end of the transition, all eligible patrons in Georgia should have a machine.

VETERANS HISTORY PROJECT

Question. Dr. Billington, I have been very impressed with the work of the Veterans' History Project and its efforts to collect and preserve the oral history of our nation's veterans. In my District, I know that the Greater Cutliff Grove M. B. Church Family Resource Center in Albany is one of the Founding Partners of the Veterans' History

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Project. What can the Library of Congress do to reach more veterans? Has there been a lot of interest in this project from the veteran population as well as the general public? Have significant numbers of veterans participated in sitting down for interviews? Has the general public shown an interest in accessing the materials already collected? What can be done to further promote knowledge of this program?

Response: Now in its eleventh year as a congressionaly-mandated effort, the Library of Congress Veterans History Project (VHP) of the American Folklife Center currently holds more than 74,000 individual collections of personal wartime narratives of veterans from World War I to today's conflicts in Iraq and Afghanistan. Receiving an average of 100 or more submissions per week, it is the largest such collection in American history. Veterans themselves have been important advocates since the beginning, participating through diverse veterans' service organizations.

Civilian participants are equally instrumental in collecting the oral histories of the veterans in their lives and within their communities. Thousands of organizations, institutions and individuals have participated in interviewing veterans. These have included everything from a relative or friend interviewing the veteran in their life to entities such as local libraries, museums, and a wide range of community organizations. Local congressional offices have been especially helpful.

Of particular note has been participation by educational institutions, from high schools to colleges and universities. The educational and intergenerational dynamic of VHP has provided experiential learning opportunities as well as advanced course work in oral history collection and archiving. Additionally, it has served to inspire the youth of America with the stories of service and sacrifice by America's veterans and influenced them to broaden their own outlook on the individuals they encounter in their communities.

The VHP archive has developed into a mature and inclusive body of knowledge that is being accessed by researchers, scholars, and the general public. During fiscal 2010, more than 900 collections were served to 64 individual researchers through the American Folklife Center Reading Room. Also during this period, there were 4 independent books published featuring the collections, including *Through Veterans Eyes* that focused on over 100 of VHP's current conflict veterans' collections. Print and other media outlets also use VHP as a background source. Most recently, the VHP collection of Frank W. Buckles, the recently deceased WWI veteran, was cited in national and international media reports at the time of his passing. To increase accessibility, the VHP collection has more than 9,500 digitized collections available through its Website, www.loc.gov/vets.

The nation-wide network of VHP volunteer organizations, institutions and individuals has been instrumental in spreading the word about VHP. Just as important have been Members of Congress who are actively promoting VHP through their communities and with individual constituents. More than half of all congressional offices have contributed significantly by providing information, sponsoring VHP workshops, and conducting interviews.

Of the Library of Congress' own efforts to reach more veterans, VHP is actively providing information through the Library of Congress Website and social media such as the Library of Congress and American Folklife Center Facebook pages. VHP itself distributes twice a week feeds through its own nation-wide RSS subscribership of 14,000+. VHP information is also present in individual postings on YouTube and Flickr. VHP also employs more traditional communications vehicles such as a public service announcements, press releases, and packaged newspaper articles. Individual advocacy and word of mouth are the most budget conscious outreach methods, and if done consistently and well, are another effective means for generating both participation in and knowledge of the depth and breadth of this important archive.

PROMOTION OF A DIVERSE WORKFORCE

Question. I was reviewing some of the question submitted for the record last year, and I saw that the Office of Opportunity, Inclusiveness and Compliance was reorganized and staffing was reduced from 19 to 9.5 FTEs effective April 15, 2010. Can you give us an update on this reorganization? Also, what efforts are underway at the Library of Congress and at the Congressional Research Service to promote a diverse workforce?

Response: The Office of Opportunity, Inclusiveness and Compliance (OIC) staffing was reduced from 19 to 12 FTEs through a reorganization. The Library determined the present staffing level after conducting a management review, in which it researched staffing levels for equivalent functions and services at other legislative and executive branch agencies. The office is currently staffed by nine full-time employees and is in the process of recruiting a Program Specialist. In addition, the office is supported by one contract Interpreter and one contract Convener.

OIC provides advice and guidance to the Library on the implementation of equal employment opportunity (EEO), affirmative employment, dispute resolution, diversity management, and employee related disability accommodation, such as interpreting services. During fiscal 2010, OIC released the 2011-2016 Multi-Year Affirmative Employment Program Plan (MYAEPP); established a baseline for assessing the diversity of the Library's workforce; consulted on the Library's Human Capital Management Plan; managed ten heritage month celebrations; and oversaw information, resource and referral inquiries for reasonable accommodations.

Creating a talented and diverse workforce is at the heart of the Library of Congress and its vision for the future. While the Library's overall staff profile is consistent with that of the U.S. workforce, the Library is regularly striving to maintain the proper workforce balance. The MYAEPP requires service units to track and report their progress in leveraging diversity. The Human Capital Management Plan 2011-2016 includes diversity and inclusion as critical factors for developing best practices, policies and programs. Successes will be tracked and evaluated to ensure continuous progress.

CRS provides an example of strong commitment to creating and maintaining a diverse and inclusive workforce by hiring, developing, and retaining skilled employees who are representative of the diversity of the nation whose Congress we serve. CRS utilizes several special hiring programs as avenues to target highly qualified minority students for internships and entry-level positions. Through these programs CRS is able to address succession planning and build workforce capacity. These special hiring programs include the CRS Law Recruit Program and the Student Diversity Internship Program (SDIP). The CRS Law Recruit Program offers law students the opportunity to compete for permanent employment as legislative attorneys, and SDIP raises awareness of and promotes CRS as an employer of choice to undergraduate and graduate students who are considering public service as a career option. Through SDIP, CRS works in partnership with Historically Black Colleges and Universities and the Hispanic Association of Colleges and Universities to place students for summer internships.

Also, this year CRS is reintroducing its Graduate Recruit Program. The Graduate Recruit Program is open to current employees with graduate degrees and graduate students seeking entry-level positions as analysts, information professionals or providers of infrastructure support. This effort will also target graduate schools with a diverse student body. To explore additional recruitment strategies for enhancing diversity throughout the entire spectrum of positions – entry-level through executive – CRS established a diversity recruitment council. The council membership is comprised of diverse employees across CRS who serve as resources for marketing CRS, participating in recruitment efforts, and developing and implementing strategies for hiring and retaining a diverse workforce. Through this council CRS will also expand the pool of minority recruitment sources from which it draws, to advertise permanent positions and develop stronger ties with various groups and organizations to promote CRS positions more effectively.

Finally, CRS compiles a biannual report to document and communicate its diversity efforts and results. It examines minority representation, reviews accomplishments, and highlights comprehensive programs that are underway and planned.

IMPACT OF CONTINUING RESOLUTIONS ON COPYRIGHT OFFICE

Question. I know there must be a significant number of challenges for the Library of Congress in operating on a series of short-term continuing resolutions. I am especially interested in understanding the impact that the short-term CRs would have on reducing the backlog at the Copyright Office. Clearly, a well-functioning Copyright Office is vital to increasing innovation, promoting competition, and growing the U.S. economy. What kind of long-term planning can the Copyright Office do to reduce the backlog when the federal government is being funded two weeks at a time?

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Response: Long-term planning is difficult when funding levels are uncertain. The Copyright Office's registration specialists are currently reducing the backlog by an average of approximately 10,000 claims per week. At this rate, we expect the backlog to reach approximately 150,000 claims – the normal in-process level – by mid-April. A shutdown, however short, would jeopardize the Office's ability to reach this target. Furthermore, the Office routinely makes resource planning assessments based on current workloads which could be affected significantly by a shutdown.

A Copyright Office shutdown would have an adverse impact on revenue as well. During a shutdown, no copyright applications would be accepted electronically or physically, resulting in a loss of approximately $102,000 for every day the Office is closed. It is unknown whether such revenue would be recovered once the office reopened.

A shutdown would impose considerable harm to the creative community and the public at large. The Office would not be able to issue certified registration records to support copyright litigation or validate rights of ownership, and our public access portals – the *copyright.gov* web site, including the electronic registration system, and our phone bank – would be closed, thereby denying the public access to copyright information and the ability to protect their creative works.

Beyond registration operations, closing the Office's Licensing Division would result in cable and satellite operators unable to submit between $145 and $360 million in royalty payments due rights holders. In addition, $949 million of interest-bearing Treasury instruments, some of which may mature during a shutdown, would sit idle until the Division would be authorized to return to work.

FRIDAY, MARCH 11, 2011.

U.S. GOVERNMENT ACCOUNTABILITY OFFICE

WITNESS

HON. GENE L. DODARO, COMPTROLLER GENERAL

CHAIRMAN CRENSHAW'S OPENING REMARKS

Mr. CRENSHAW. We will now move onto the second part of this hearing this morning.

We have with us Mr. Gene Dodaro, who is head of the Government Accountability Office. And I want to welcome the Comptroller General to our committee.

Gene was sworn in as the eighth Comptroller General of the United States on December 30th, 2010. He is the first GAO career employee to be confirmed to the position, and that is in 89 years. So, congratulations for that.

This year, your request for FY 2012 is $556.8 million. That is equal to the appropriation under the continuing resolution.

So we want to thank you for recognizing the need for fiscal discipline. We have talked a lot about that this morning. We look forward to working with you.

Your office is kind of called the investigative arm of Congress, you know, the congressional watchdog. And your job is to kind of help improve some of the things that we are talking about in the midst of this economic problem: efficiency, effectiveness.

In fact, one of the things that I know that a lot of people don't know, is that when we appropriate $1 to you, that you return $87 on that investment. And I am tempted to say, we will give you $1 billion and maybe we will just solve all our problems. But, I know it is not that easy.

But we are trying to be better stewards, and we appreciate what you do. And so, I want to thank you for your hard work.

And, at this time, I want to turn to the ranking member, Mr. Honda, for any remarks he might have.

RANKING MEMBER HONDA'S OPENING REMARKS

Mr. HONDA. Thank you, Mr. Chairman.

And I share the same sentiments that the chair has. And I hope that folks understand that the chair has been working very hard to make sure that we maintain the level of services as much as possible under the weight of the kind of expectation there is in cutting things.

But I think that, on top of being the watchdog, I understand that your area is considered the best place to work. So, you know, besides $87 to $1, the best place to work, if you were a city, then you would probably be one of the best cities to live in and safest cities to live in.

One of the things I was concerned about is, we constantly make demands of GAO, in terms of studies, when we go through our different committees. And that is across all the committees that we sit on. And so, my concern is that you are able to fulfill that function and be able to address the kinds of concerns that Members of Congress, in whatever role that they are playing, whatever responsibilities they have, when they ask for GAO reports, that you have the wherewithal and the resources to be able to do that.

And hopefully that, if there is any backlog on the fiscal side, that, we become aware of that, so we know that we are going to be able to pay for what we ask. And so, if you have any comments regarding that in your presentation, I would be very interested in hearing that.

Beyond the budget challenges, Mr. Dodaro, I want to applaud your work in dealing with long held issues at GAO with respect to disparity in performance ratings experienced by African American employees. I hope you can give us an update on your progress in this area. Something must be working at GAO, I understand that your agency was once again named one of the "Best Places to Work" in the federal government by the Partnership for Public Service. Given your role in reviewing problems at other agencies it is important that GAO establish itself as an exemplary workplace. I am glad you seem to be succeeding in doing just that.

Thank you, Mr. Chairman.

UPDATE ON DISPARITIES IN PERFORMANCE APPRAISALS BETWEEN AFRICAN AMERICAN AND WHITE EMPLOYEES

We have continued to monitor the outcomes from our performance appraisal system and determined that there are still disparities between African American and white employees but the frequency and magnitude of the disparities are substantially less than several years ago. We are addressing the rating disparities through our strategic focus on creating and maintaining an inclusive and fair work environment, as well as through our efforts to overhaul our performance appraisal system which is well underway.

We have continued our reviews of employee performance appraisal data. For example, in fiscal year 2010, the Special Assistant for Diversity Issues and the Managing Director for Opportunity & Inclusiveness reviewed performance appraisal data by protected class for consistency and provide reasonable assurance that the systems were operating in a fair, merit-based and non-discriminatory manner. Where concerns were noted, the Special Assistant for Diversity Issues conducted individual assessments, and if necessary, met with senior managers in an effort to reconcile any concerns regarding the sufficiency of merit-based support for appraisals and resolve any issues.

In support of diversity and inclusion generally, we have instituted several efforts such as (1) issuing annual workforce diversity plans that summarize the diversity of our workforce, outcomes from key human capital processes, and views of our employees; (2) meeting regularly with union and employee group representatives; (3) training all staff on diversity and inclusion issues; and (4) using recruitment approaches that reach broad and diverse candidates. To improve our performance appraisal system, we completed a comprehensive review and based on the findings from this review we plan to place greater emphasis on communication, feedback, accountability, and employee development than is a part of our current system. We will continue to monitor performance appraisal data and other key data and continue to emphasize the importance of having a diverse workforce and an inclusive work environment at GAO. We are hopeful that these efforts will lead to a performance management system where there are no disparities between African Americans and whites in performance appraisal scores.

Mr. CRENSHAW. Thank you.

Mr. Dodaro, we will submit your written statement for the record, and we would be happy to hear you summarize your testimony and introduce any of the staff that you have with you today.

[The statement of the Comptroller General follows:]

United States Government Accountability Office

GAO

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

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FISCAL YEAR 2012 BUDGET REQUEST

U.S. Government Accountability Office

Statement of Gene L. Dodaro
Comptroller General of the United States

GAO
Accountability * Integrity * Reliability

GAO-11-453T

Mr. Chairman, Ranking Member Honda, 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 2012. I want to thank the subcommittee for its continued support of GAO. We very much appreciate the confidence you have shown in our efforts to help support the Congress in carrying out its constitutional responsibilities and to help improve government performance and accountability for the benefit of the American people.

With this committee's support, in fiscal year 2010, GAO provided assistance to every standing congressional committee and 70 percent of their subcommittees. Our work yielded significant results across the government, including financial benefits of $49.9 billion—a return on investment of $87 for every dollar invested in GAO. In addition, we documented over 1,300 other benefits resulting from our work that helped improve services to the public, promote improved management throughout government and change laws, such as the Improper Payments Elimination and Recovery Act of 2010.[1]

Recently, we issued two major reports that underscore GAO's continuing value in helping Congress and the Administration reduce costs and improve government, particularly in a time of reduced resources.

- First, just last week on March 1, 2011, we detailed 81 opportunities to reduce duplication, overlap, or fragmentation.[2] These opportunities span a range of federal government mission areas such as agriculture, defense, economic development, energy, general government, health, homeland security, international affairs, and social services. Within and across these missions, our report touches on hundreds of federal programs, affecting virtually all major federal departments and agencies. By reducing or eliminating unnecessary duplication, overlap, or fragmentation and by addressing the other cost-saving and revenue-enhancing

[1] GAO-11-2SP, United States Government Accountability Office Performance and Accountability Report Fiscal Year 2010.and GAO-11-3SP, Summary of GAO's Performance and Financial Information Fiscal Year 2010.

[2] GAO-11-318SP, Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars and Enhance Revenue.

opportunities contained in the report, the federal government could save tens of billions of tax dollars annually and help agencies provide more efficient and effective services.

- Second, our High Risk update issued on February 17, 2011 identified 30 federal areas and programs at risk of fraud, waste, abuse, and mismanagement, and those in need of broad-based transformation. Solutions to high-risk problems offer the potential to save billions of dollars, dramatically improve service to the public, and strengthen confidence and trust in the performance and accountability of the U. S. Government.[3]

Looking ahead to fiscal year 2012, GAO is acutely aware of our dual responsibilities in a time of fiscal austerity. First, the Congress has rightly come to rely upon GAO to help identify billions of dollars in cost-saving opportunities to tighten federal budgets or to point out revenue enhancement opportunities. We know our mission becomes ever more critical when the nation faces difficult financial times. But second, GAO must also ensure it meets this responsibility while implementing all possible cost savings in its own operations without diminishing our traditionally high-quality work that lays the foundation for critical decision-making and oversight by the Congress.

Accordingly, we are seeking only to maintain our fiscal year 2010 funding level of $556.8 million in fiscal year 2012 and plan to maintain our current authorized staffing levels. While operating at this funding level with no increase poses challenges, GAO is committed to reducing our own costs as much as possible in order to absorb the additional demands and increasing costs of the coming year without additional resources. Our budget request attempts to balance tradeoffs and assumes that we will be able to manage at reduced funding levels, and try to maintain our staffing levels to provide insightful analyses on the most important priorities for congressional oversight and decision making.

However, if GAO's funding is reduced below the requested level, more drastic measures would be needed, such as reductions in our staff capacity, which would result in increased delays in responding to

[3] Our 2011 High-Risk List is included in Appendix I.

congressional requests, limit our ability to provide timely responses to support congressional oversight, and reduce the number of requests that we could complete.

GAO Efforts Help the Congress Address Domestic and International Challenges

GAO stands ready to serve the Congress and the American people at this historically critical juncture and is uniquely positioned to help address our nation's challenges and identify opportunities. Pressures to reduce the federal deficit following an economic recovery will mean a greater need for analyses of programs and their effectiveness, as well as a reduction in improper federal payments and closing the gap between taxes owed and paid.

Congressional demand for GAO services remains high as evidenced by our workload. We expect that trend to continue as a result of the pressures on federal finances and our economy. For example, we will be working to produce future annual reports outlining duplication, overlap and fragmentation as well as opportunities to reduce costs and enhance revenue. Additionally, the Wall Street Reform Act contained 44 new statutory requirements or authorities for GAO assistance, including audits related to the Federal Reserve.

Our past performance is evidence of the critical role our dedicated staff play in helping the Congress and the American people better understand issues, both as they arise and over the long term. For example, in fiscal year 2010, GAO issue-area experts testified 192 times before the Congress on a wide range of issues, ranging from aircargo, border and cyber security issues and the Department of Defense's planning for the drawdown of U.S. forces from Iraq to the Medicare prescription drug program, processing of disability claims and funding for broad band services.[4]

GAO's strategic plan for serving the Congress and the nation, highlights the broad scope of our efforts to help the Congress respond to domestic and international challenges, such as

- threats confronting U.S. national security interests;
- fiscal sustainability and debt challenges;

[4] A list of selected issues on which GAO staff testified before Congress during fiscal year 2010 is included as Appendix II.

- economic recovery and restored job growth; and
- advances in science, technology, engineering, and mathematics.

GAO seeks not only to help position the government to better manage risks that could compromise the nation's security, health, and solvency, but also to identify opportunities for managing government resources wisely for a more sustainable future.

Our Strategic Plan covers the following goals and objectives.

Goal 1: Help the Congress Address Current and Emerging Challenges to the Well-being and Financial Security of the American People

- Financing and Programs to Serve the Health Needs of an Aging and Diverse Population
- Lifelong Learning to Enhance U.S. Competitiveness
- Benefits and Protections for Workers, Families, and Children
- Financial Security for an Aging Population
- A Responsive, Fair, and Effective System of Justice
- Viable Communities
- A Stable Financial System and Consumer Protection
- Responsible Stewardship of Natural Resources and the Environment
- A Viable, Efficient, Safe, and Accessible National Infrastructure

Goal 2: Help the Congress Respond to Changing Security Threats and the Challenges of Global Interdependence

- Protect and Secure the Homeland from Threats and Disasters
- Ensure Military Capabilities and Readiness
- Advance and Protect U.S. Foreign Policy Interests
- Respond to the Impact of Global Market Forces on U.S. Economic and Security Interests

Goal 3: Help Transform the Federal Government to Address National Challenges

- Analyze the Government's Fiscal Position and Opportunities to Strengthen Approaches to Address the Current and Projected Fiscal Gap
- Identify Fraud, Waste, and Abuse

- Support Congressional Oversight of Major Management Challenges and Program Risks

Our Strategic Plan framework is included in Appendix IV.

Constrained Fiscal Year 2012 Budget Request

Our requested funding level of $556.8 million will allow us to try to support a staffing level of 3,220 FTEs to provide insightful analysis on the most important priorities for congressional oversight and decision making. We will continue to outreach to the Congress to understand and set priorities to ensure that we focus on the most important issues for congressional oversight.

Although operating under a flat budget for 3 years provides significant operational challenges, we have carefully considered our resource requirements and made tradeoffs to ensure that we try to maintain our staff capacity within our current funding level to allow us to provide the Congress with high-quality, timely, and objective analyses of government programs, operations and finances—information that the Congress needs to make policy choices, ensure transparency and accountability, and protect the taxpayer.

However, since 80 percent of our budget covers staff compensation and benefits, our flexibility to control costs without diminishing our staff capacity is limited. Without additional funding in fiscal year 2013 and beyond, we would need to reduce our staff capacity which would increase the delay in starting work on congressional requests, limit our ability to provide timely responses and analyses to support congressional oversight, and reduce the number of requests that we could undertake.

GAO Maintains Effective Workforce Relations

We could not have achieved our level of performance without the hard work and dedication of our professional, diverse, and multidisciplinary staff. Recognizing that GAO's accomplishments are a direct result of our dedicated workforce, we continuously strive to maintain a work environment that promotes employee well-being and productivity. We are also proud of the results from our 2010 annual employee feedback survey, which indicate that employee satisfaction continues to increase and that we continue to make progress toward our goal to create a more inclusive work environment. In 2010, GAO was once again rated second on the list of the "Best Places to Work" in the federal government by the Partnership for Public Service.

GAO regularly seeks and values the input we receive from our employee organizations. Recently, we reached tentative agreement with GAO's Employees Organization, IFPTE, Local 1921, on a master contract that has since been ratified by its members and is pending legal review. We are also working with our Employee Advisory Council and the Diversity Advisory Council on a range of issues.

Concluding Remarks

I believe that you will find our prudent budget request is fiscally responsible and essential to ensure that we can maintain our capacity to assist the Congress in this challenging period in our nation's history.

We have a proven track record of helping the Congress evaluate critical issues of national importance and improving the transparency and accountability of our national government. Our new strategic plan for serving the Congress through fiscal year 2015 provides the framework for reporting on progress toward our institutional goals.

We remain committed to providing accurate, objective, nonpartisan, and constructive information to the Congress to help it conduct effective oversight and fulfill its constitutional responsibilities. I appreciate, as always, your careful consideration of our submission and look forward to discussing our proposal with you.

Mr. Chairman, Ranking Member Honda, Members of the Subcommittee, this concludes my prepared statement. I would be pleased to respond to any questions that you or other members of the subcommittee might have.

Appendix I: GAO's 2011 High-Risk List

Strengthening the Foundation for Efficiency and Effectiveness
- Management of Federal Oil and Gas Resources (**New**)
- Modernizing the Outdated U.S. Financial Regulatory System
- Restructuring the U.S. Postal Service to Achieve Sustainable Financial Viability
- Funding the Nation's Surface Transportation System
- Strategic Human Capital Management
- Managing Federal Real Property

Transforming DOD Program Management
- DOD Approach to Business Transformation
- DOD Business Systems Modernization
- DOD Support Infrastructure Management
- DOD Financial Management
- DOD Supply Chain Management
- DOD Weapon Systems Acquisition

Ensuring Public Safety and Security
- Implementing and Transforming the Department of Homeland Security
- Establishing Effective Mechanisms for Sharing and Managing Terrorism-Related Information to Protect the Homeland
- Protecting the Federal Government's Information Systems and the Nation's Cyber Critical Infrastructures
- Ensuring the Effective Protection of Technologies Critical to U.S. National Security Interests
- Revamping Federal Oversight of Food Safety
- Protecting Public Health through Enhanced Oversight of Medical Products
- Transforming EPA's Process for Assessing and Controlling Toxic Chemicals

Managing Federal Contracting More Effectively
- DOD Contract Management
- DOE's Contract Management for the National Nuclear Security Administration and Office of Environmental Management
- NASA Acquisition Management
- Management of Interagency Contracting

Assessing the Efficiency and Effectiveness of Tax Law Administration
- Enforcement of Tax Laws
- IRS Business Systems Modernization

Modernizing and Safeguarding Insurance and Benefit Programs
- Improving and Modernizing Federal Disability Programs
- Pension Benefit Guaranty Corporation Insurance Programs
- Medicare Program
- Medicaid Program
- National Flood Insurance Program

Appendix II: Selected Testimony Topics, Fiscal Year 2010

Selected Testimony Topics • Fiscal Year 2010

Goal 1: ***Address Current and Emerging Challenges to the Well-Being and Financial Security of the American People***

- Unemployment Insurance Trust Funds
- Social Security Disability
- Underfunded Pension Plans
- Proprietary Schools
- Medicare High-Cost Drugs
- Toxic Substance Abuses Disease Registry
- Concussions in High School Athletes
- Children's Access to Medicaid Dental Services
- Corporate Crime
- DOJ's Civil Rights Division Enforcement Efforts
- Community Emergency Preparedness
- Fannie Mae & Freddie Mac
- Interior's Oversight of Oil & Gas
- Clean Water Act Enforcement Efforts
- U.S. Postal Service Financial Viability
- Federal Facilities Security
- High Speed Rail Projects
- Commercial Aviation Consumer Fees

Goal 2: ***Respond to Changing Security Threats and the Challenges of Global Interdependence***

- Financial Markets Regulation
- National Flood Insurance Program
- Climate Change
- Alien Smuggling Along U.S. Southwest Border
- Aviation Security Advanced Imaging Technology
- Terrorist Watchlist Screening
- Combating Nuclear Smuggling
- Iran Sanctions
- Counternarcotics and Anticrime Efforts in Mexico
- Global Food Security
- Intellectual Property Enforcement Efforts
- Afghanistan Security Force Capacity
- DOD Military and Civilian Employee Compensation
- Warfighter Contract Support
- Joint Strike Fighter Challenges

Goal 3: ***Help Transform the Federal Government to Address National Challenges***

- Defense Space Acquisitions
- Military Language Skills
- Interagency Collaboration for National Security Interagency Contracting Strategies
- NASA Management and Program Challenges
- Balancing the Government-to-Contractor Workforce
- Iraq and Afghanistan Contract and Grant Management
- Recovery Act Oversight
- First Time Homebuyer Tax Credit
- Equal Employment Opportunity at DHS
- 2010 Census Management Challenges
- U.S. Government Financial Statements
- DHS Financial Management Systems Consolidation
- Protecting Federal Information Systems
- Environmental Satellites
- Debt Settlement Risks to Consumers
- Service Disabled Veteran-Owned Small Business Program Fraud Prevention
- HEAD START Program Fraud
- Defense Contract Audit Agency Vulnerabilities

Source: GAO.

Appendix III: How GAO Assisted the Nation, Fiscal Year 2010

How GAO Assisted the Nation • Fiscal Year 2010

Goal 1: ***Address Current and Emerging Challenges to the Well-Being and Financial Security of the American People***

- Identified ways for HHS to strengthen inspections of ambulatory surgical centers leading to a fourfold increase in the proportion of centers found to have deficient practices
- Appointed 49 experts and stakeholders to 3 organizations created in new health care legislation
- Recommended food safety improvements that the Congress included in legislation for USDA's school lunch program
- Facilitated expedited claims process for Labor's black lung benefits program
- Increased EPA focus on environmental threats to children's health
- Identified factors to consider in restructuring Fannie Mae and Freddie Mac
- Proposed changes to improve control of toxic chemicals in consumer products
- Identified hidden fees for air travel that should be disclosed to consumers

Goal 2: ***Respond to Changing Security Threats and the Challenges of Global Interdependence***

- Led FEMA to begin developing a strategic plan to improve the national public alert and warning system
- Exposed weaknesses in TSA's behavior-based identification of high-risk air passengers
- Recommended changes that FEMA implemented to better plan for national emergency response capabilities
- Informed DHS's top-level review of weaknesses and risks in the multibillion dollar Secure Border Initiative
- Contributed to a more robust missile defense acquisition policy
- Encouraged reforms in the United Nations' procurement, internal oversight, and employment processes
- Provided insight to the Congress that led to expanding U.S. sanctions against Iran
- Informed development of a framework to reform the U.S. export control system

Goal 3: ***Help Transform the Federal Government to Address National Challenges***

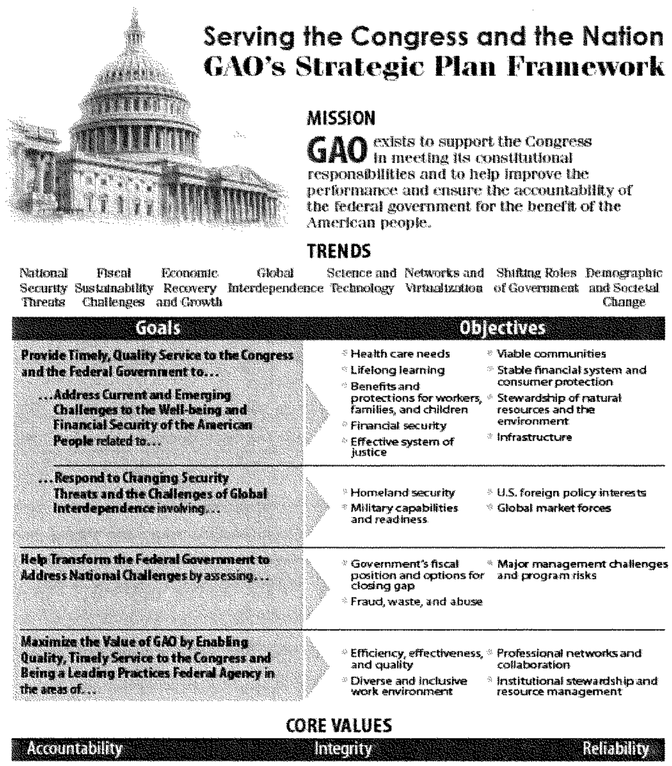
- Informed IRS's decision to extend regulation of paid tax preparers, including requiring them to obtain an identifying number and be tested for competency
- Exposed Energy Star as a self-certification program by obtaining certification for bogus products which led DOE and EPA to adopt improvements in their approval process
- Led GSA to strengthen requirements due to improper spending on premium class government travel
- Surfaced weaknesses in VA outpatient scheduling IT systems
- Developed a methodology adopted by the Congress to efficiently target billions of dollars in Medicaid assistance through the Recovery Act
- Assessed IT risks for the 2010 Census to ensure successful execution
- Profiled selected DHS investments in a 2-page format to provide the Congress with a new, easy reference on acquisition oversight, planning, and execution

Goal 4: ***Maximize the value of GAO by enabling quality, timely service to the Congress and Being a leading practices federal agency***

- Implemented leading practices to attract a more diverse workforce and foster an inclusive work environment
- Leveraged technology to facilitate business process improvements in financial and administrative IT systems
- Improved access to our products with a new mobile Web site for users of small screen devices and a new electronic product format
- Collaborated with international accountability organizations to enhance their audit guidelines by incorporating private sector international auditing standards
- Led development of a strategic plan for the international accountability community

Source: GAO.

Appendix IV: GAO's Strategic Plan Framework



Source: GAO.

GAO's Mission

The Government Accountability Office, the audit, evaluation, and investigative arm of Congress, exists to support Congress in meeting its constitutional responsibilities and to help improve the performance and accountability of the federal government for the American people. GAO examines the use of public funds; evaluates federal programs and policies; and provides analyses, recommendations, and other assistance to help Congress make informed oversight, policy, and funding decisions. GAO's commitment to good government is reflected in its core values of accountability, integrity, and reliability.

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MR. DODARO'S OPENING REMARKS

Mr. DODARO. Thank you very much, Mr. Chairman. Good morning to you, Ranking Member Honda, Congressmen Bishop and Calvert. It is nice to see all of you here.

I have with me today our Chief Operating Officer, Patricia Dalton; our General Counsel, Lynn Gibson; and our Chief Administrative Officer, David Fisher.

In light of time constraints and to make sure I understand all of your questions and get the chance to answer them, I just want to make four fundamental points briefly here this morning: First would be the nature and scope of our support to the Congress; second, the return on investment that the taxpayers and the Congress get back from their investment into GAO; third, the importance we place on having a skilled, motivated, diverse, dedicated workforce; and fourth, the rationale for the submission that we made to the Congress.

First, on the nature and scope: GAO serves every standing committee of the Congress, and, in recent years, 70 percent of the subcommittees have submitted requests. We work with them, Congressman Honda, to understand their priorities. We have more requests for our services than we can get to in a timely manner, but we work with requesters to address their highest priorities.

We work on and testify before Congress, on average, about 200 times a year. In fact, next week, we are appearing at 13 hearings before the Congress, on everything ranging from the Flood Insurance Program to cybersecurity. We focus both in-depth on individual programs and agencies, but also have a government-wide perspective.

We just issued two reports that I would note to this committee. One is the update on our High-Risk List, where we look across the Federal Government's portfolio of programs and identify areas that we think are at highest risk of fraud, waste, and abuse for mismanagement and also in need of broad-based transformation. Last week, we also just released a report on overlap, duplication and fragmentation in the Federal Government, pointing out 81 areas where there are opportunities for billions of dollars in cost savings.

Both the efforts on high-risk and overlap/duplication offer the opportunity for Congress and the administration to focus on areas that could reap billions of dollars of savings and improve the performance and accountability of the Federal Government.

On return on investment, as you mentioned, Mr. Chairman, we returned last year $87 for every dollar spent on GAO in financial benefits, in terms of cost savings or opportunities to gain revenues or better use of Federal resources. Actually, our rolling 4-year average has been $94 to $1.

We also issue hundreds of reports and testimonies each year to help inform the Congress. Last year, we had over 2,000 recommendations. Our recommendations are implemented at about an 82 percent rate over time. We are very pleased that our recommendations are constructive and put into place and we can then produce these types of benefits.

In addition to the financial benefits, we have had over a thousand other documented benefits last year in improved services to the public or improved government operations. For example, helping to improve the oversight over the safety of nursing homes is just one example. We make a lot of recommendations to improve the performance and ensure the accountability of government for the benefit of the American people.

We achieve these benefits through having a very dedicated, talented workforce. Our staff are trained in all sorts of disciplines, ranging from financial auditors to IT specialists to subject-area specialists in health care, defense, et cetera.

We spend a lot of time working with our employees getting feedback. As you mentioned, Congressman Honda, we were ranked among the best places to work in government, and that has been consistent for a number of years. We have good, constructive working relationships with our union and with our employees. I am very pleased that we have that relationship and that we have a workforce that is really dedicated to supporting the Congress and carrying out its constitutional responsibilities. I would be happy to talk a little bit more about that in the Q&As.

As the auditor of the government's consolidated financial statements, we well recognize the fiscal pressures facing the Federal Government. We believe we came in with a prudent request. As you mentioned, Mr. Chairman, we are asking for level funding. With that funding level, we believe we can work with the Congress to meet their greatest and highest-priority needs, particularly in this time of fiscal stress and demands, to try to do our part to help Congress get the country on a more sustainable fiscal path without sacrificing as much in services as might otherwise need be.

If our funding would be below that level, we would have difficulty. We would have to reduce our staffing. That would mean we would do fewer requests for the Congress, and it would take us longer to be able to complete them. We can talk more about that.

I appreciate the opportunity to be here today to discuss our request with you. I know this committee will give it careful consideration, and I thank you for that.

IMPROVING EFFICIENCY

Mr. CRENSHAW. Thank you for your testimony.

And in the atmosphere in which we are operating today, your corner of the world becomes even more important. We thank you for the work that you do. Thank you for recognizing, as you would be expected to do, the difficulty of the situation, to come in and say, "We are going to ask for what we had last year." And I know that requires some efficiency, but that is what you specialize in.

So maybe, could you tell us one or two things—because this is what we are going to ask a lot of people who come before us—how you are doing it more efficiently, how you are doing it more effectively, how you are doing more with less? What are some of the things that you did to be able to give the kind of essential service that you give but do it in a more efficient way?

Mr. DODARO. We have tried to reduce the cost of operating our facilities. For example, we put in more energy-efficient lighting. We installed a boiler to create our own steam. We used to buy steam from GSA. We have made some other adjustments in the building to reduce some of the normal cleaning activities and other investments.

We have postponed some needed investments in IT and facilities. Our GAO building is a 60-year-old building; some of the systems are coming to the end of their useful life. We put in a new fire alarm system because that was a safety issue, but we have deferred other system upgrades.

We have focused with our staff on reducing travel. We use videoconferences more to cut down on our travel costs. We are looking at a number of activities to cut back and have tried to pare back as much as we can.

We also knew we were going to be in this position, so we scaled back our hiring last year from what we would normally have done, because 80 percent of our costs are personnel costs. We can control some of these other costs and become more efficient. We have to be able to do that. Also, this year, we have not replaced the people that were leaving until we know what our budget is going to be for this year.

Cutting back personnel costs, focusing on our fixed costs and bringing them down as far as we can, and postponing some investments are the way we are trying to conserve the resources necessary to be able to—once we have a budget for this fiscal year, figure out what staffing levels are appropriate given the demand for our services.

On average, we receive between 900 and 1,000 requests a year from Congress. We work to prioritize those. Once we have our budget for this year, we will be able to size our staffing levels appropriately.

ROLE OF GAO FIELD PRESENCE

Mr. CRENSHAW. Well, you do these studies about efficiency and duplication. And I assume that you do that for yourself, as well. You ought to be experts in that.

I noticed you have a field office in Los Angeles and you have a field office in San Francisco. Is that something you look at to say, could we consolidate that, or would that save on travel? Are those the kinds of things that you look at internally?

Mr. CALVERT. Or move it all down to L.A.

Mr. DODARO. We periodically look at our field office structure. Right now, we have 11. Not too long ago, we had about 40 or 50. We have about 25 percent of our people there.

The field is important for us to be able to get out firsthand and do observations wherever they are, such as wildfires in California or other issues where we need to be on-site. The field also helps us to have a diverse workforce, because not everybody wants to work in Washington, and we get some great people out there.

We periodically look at our field structure, Mr. Chairman. For example, a few years ago, we closed our office in Kansas City. With modern telecommunications and travel, we can update our assessment.

I would prefer deferring those reviews until we know what our budget situation is.

Mr. CRENSHAW. Okay. Thank you.

We are going to try to stick to the 5-minute rule. There are going to be votes coming up pretty soon.

But let's go now to Mr. Honda.

GAO'S STRATEGY FOR ADDRESSING MANDATES

Mr. HONDA. Thank you.

I think you have touched on some of the concerns that I have had, but there was a mandate from the Senate to do audits of our agencies. Can you give us an update on where we are at with that and how we can maintain the support level in order for you to be able to do the important work that we need to do in process of auditing? This is where we are able to find the waste, fraud, and abuse.

Mr. DODARO. Thank you for that question.

We have a number of mandates to look at overlap and duplication and efficiency in operations in programs across the Federal Government.

For example, the report we just issued on overlap and duplication was built on work we had done for over half the committees in the Senate and half of the committees in the House. We tried to do work that meets multiple objectives.

Many of our requests have multiple congressional requesters from the same committee, and often from other committees. Many of them are bipartisan requests. We try to work with the committees and do one body of work that will meet multiple needs, thereby being more efficient in how we use our resources and be more effective.

If we are funded at the 2010 level, we can continue to do that work and to provide these cost-savings opportunities to the Congress in the most efficient manner.

Mr. HONDA. Thank you.

Thank you, Mr. Chairman.

Mr. CRENSHAW. Mr. Calvert.

LEASING OF SPACE WITHIN GAO'S HEADQUARTERS BUILDING

Mr. CALVERT. Thank you, Mr. Chairman. While I am not new to the House of Representatives, I am new to this committee. So I am looking forward to learning a lot about these various agencies that are under our jurisdiction.

One of the issues that was brought to my attention was your building. As a matter of fact, I am an old commercial real estate guy. I know where you are located and I know it is a pretty sizable building.

I remember, back in 2001, during the anthrax scare here on Capitol Hill, you housed a lot of House Members—and we thank you for that—while we were cleaning up the facilities over here. I understand that, back in the mid-1990s, you had 5,000 FTEs, but you have reduced that now down to about 3,200. Is that right?

Mr. DODARO. That is correct, Congressman.

Mr. CALVERT. So I imagine you had a substantial amount of vacant office space there, and I understand you sublet that space to various agencies. Is that also correct?

Mr. DODARO. Yes, that is correct. Actually, the headquarters for the Army Corps of Engineers occupies the entire third floor and a substantial portion of the sixth floor in the building. They have about a thousand people in our building. It is good to have somebody from Defense which pays their bills.

Mr. CALVERT. Yeah. Well, we were talking about it. We haven't done an appropriations for that yet. You may have to give them a 3-day notice.

Mr. DODARO. I think they are good for it.

Mr. CALVERT. Okay. What kind of rent are they paying? Are they paying market-value rent?

Mr. DODARO. I would have to ask.

David, would you mind coming up?

We just renegotiated the rent.

Mr. CALVERT. I was just curious, when you are kind of changing from one pocket to the next here——

Mr. FISHER. They pay $7 million a year for the space based on square footage, both for the space itself as well as the ancillary services that we provide for them, including cleaning. It is a market rate, and we have a 10-year lease that has been negotiated with the Corps.

Mr. CALVERT. Do you have any other Federal entities in the facility?

Mr. FISHER. They are the only tenant that is paying rent.

Mr. CALVERT. So does that pretty much fill up your building? Is your building totally full?

Mr. DODARO. Yes. We are going to take a look at the space. We do that periodically.

Mr. CALVERT. So the lease revenue, where does that lease revenue go? Does that stay within your agency? Do you use that money to do improvements, since you do have an older structure in that building? How do you use that revenue?

Mr. FISHER. It primarily goes back into the building. There are a couple of additional sources of funds beyond the appropriation that we get. Gene can talk about some of the reimbursable work we do for financial audits. We also get the rent money that comes in, on top of the appropriation, to account for our total resources for the year. Primarily, the money that comes in from rent purposes does go back into the building for improvements.

Mr. CALVERT. Primarily. But some of it for other purposes?

Mr. FISHER. I would have to get back to you for the record for sure.

[The information follows:]

COLLECTION AND USE OF RENTAL RECEIPTS

In FY 2010, GAO collected $5.3M from the Army Corps of Engineers to lease space in the GAO Building. We estimate about $7M in collections in fiscal years 2011 and 2012.

By law,[1] all rental receipts must be used for operation, maintenance, protection, alteration, or repair of the GAO Building.

Costs to operate and protect the GAO Building in FY 2010 were almost $20M.

[1] 31 U.S.C. 782 authorizes the Comptroller General to

- lease or otherwise provide space and services within the General Accounting Office (GAO) Building to persons, both public and private, or to any department, agency, or instrumentality; and
- expend receipts for the operation, maintenance, protection, alteration, or repair of the GAO Building in such amounts as are specified in annual appropriation Acts without regard to fiscal year limitations.

Annually, costs for maintenance, alteration, and repair of building systems and structures can vary significantly depending upon the nature of the activity. We try to phase projects over a multi-year period to minimize the budgetary impact in a single year, while maximizing our investment.

Mr. CALVERT. I am trying to find out how that money is being utilized. And I, obviously, have no objection to using rent money to improve the facility that you have, to make sure you don't have to use appropriated funds for that purpose. I would appreciate you doing that. Thank you.

Thank you, Mr. Chairman.

Mr. CRENSHAW. Thank you.

Mr. Bishop.

LEGISLATIVE BRANCH SECURITY

Mr. BISHOP. Thank you very much.

Let me just thank you for what you do. You are essentially the policemen for our entire government. We thoroughly depend on you, your expertise and your investigations for what we do.

In thinking about the recent heightened security requirements for Members of Congress, have you been engaged, in terms of assessing the efficiencies and the cost of providing security for the Members in their district offices as well as our constituents who visit us here at the Capitol?

Obviously, we are at a time of budget cutting and financial crisis. However, we want Members and our constituents to be adequately protected at the Capitol.

Have you been engaged in that process at all, to assist us in knowing how much it is going to require us to sacrifice in order to provide the necessary security?

Mr. DODARO. We have been asked and have done work on the Capitol complex, looking at security and the staffing models and assumptions that the police have used. To my knowledge, we have never done anything in the district offices in that regard.

Most of our work that we do is focused on the executive branch. We do some work in the judicial branch, primarily looking at their facilities and the courthouse constructions. We provide a lot of services to this committee on other entities within the legislative branch, as well.

Mr. BISHOP. A number of Members have raised concerns, that our security requirements have increased; however, our budgets have decreased. We are going to need some help from someone who has investigative expertise to tell us how we can get the job done.

I think we need some factual basis to determine if we need to provide Members with adequate additional funds for the provision of security. Perhaps this may be a function we need to transfer to the Capitol Police.

The whole issue of security has come to the forefront, because members travel back and forth to their districts.

Mr. DODARO. One of the things I would suggest is that while we don't have a lot of law enforcement expertise to do first-hand assessments, that would be something I would think the Capitol Police or other law enforcement agencies could help you with.

Mr. BISHOP. Would you have to cost it out?

Mr. DODARO. Yes, you would have to cost it out, and you would have to do tradeoffs. I know, in our own case, in the 11 field offices we were just talking about, we have to work with the owners of the buildings on security arrangements for the GAO people in the facilities. We deal with that aspect of this issue with regard to safety for our own employees.

Mr. BISHOP. Do you have some models we could utilize?

Mr. DODARO. We would be happy to share with the committee what we do.

Mr. BISHOP. Thank you, Mr. Chairman.

Mr. CRENSHAW. Thank you. And I am sure, as we go through their hearings, we will probably address that even more with the Capitol Police and with our own office of counsel and others.

A vote is taking place. There are about 8 or 9 minutes left to go. I can submit any other questions I have for the record.

Mr. CRENSHAW. Mr. Honda.

RECOVERY ACT MONITORING

Mr. HONDA. Just a quick question. Thank you, Mr. Chairman.

Previously, I made mention about the mandates and fulfilling mandates and the costs associated with it. With TARP and with our Recovery Act, the model that we have in there is that we created a mandate but we also included in the statute funding for that. And I was just wondering whether that is a model that we should be looking at.

And then, also, some of the work that we have in the Recovery Act, we still have a lot of work out there because—and maybe that is why you have 11 sites out there in the States.

Mr. DODARO. Right.

Mr. HONDA. Is there continued funding for that kind of work? And, if not, how are you going to cover that?

Mr. DODARO. You asked a number of questions. First, on the Recovery Act——

Mr. HONDA. Sorry about that.

Mr. DODARO. No, they are all good.

On the Recovery Act, we were given $25 million. That money expired at the end of September 2010. With that money, we were able to monitor the implementation of the Act and use of the funds in 16 States across the country who received about two-thirds of the $280 billion that flowed through the State and local governments.

We have moved to a model now, since we don't have funding left, to do rotation on programs receiving the money. We did a review on Head Start. We are doing a review on the energy-efficiency grants right now, and we will do a review on the funding for the water infrastructure and transportation programs. We have had to stagger our reviews.

FUNDING MODEL FOR REIMBURSEMENTS

Now, the model, I think, that worked. Like TARP, we get reimbursed, and we will get reimbursed from the TARP fund until the last TARP dollar is repaid. In those cases, Congressman, there are unusual reporting requirements. We have to report every 60 days on the Troubled Asset Relief Program, bimonthly reviews on the

State and local money, quarterly reports on the use of the reporting by the recipients on jobs created.

I also think there are opportunities to give us some relief from some of those mandates now that a large portion of the TARP funds have been repaid. The Recovery Act money will largely be distributed this fiscal year. There are other mandates that we have that we are going to submit to the committee, about 25 or so, where we think there could be some flexibility.

Now, moving forward, I think our base appropriation is sufficient for one-time requests that are coming in. But if there are requests for us to do recurring annual audits of something, then I think we could come up with some principles whereby it would make sense to consider those to be funded by the source. Right now, we are reimbursed for certain financial audits we do, like the IRS and the Bureau of Public Debt.

FOLLOW-UP BRIEFINGS TO MEMBERS

Mr. HONDA. Mr. Chairman, perhaps—and this is not a mandate, but for those of us office holders, it is always good for us to have information that is relative to our area and relative to major kinds of programs that we have—such as TARP and ARRA.

Is there a way that individual offices can tap into information as it relates to their area, so they can report back to their people on how things are done? I think that our constituents would appreciate that kind of information, and it makes us look responsive. And if there are ways to do that, then I would appreciate it if we could move to access the information for all of the Members.

Mr. DODARO. Sure. We can provide a briefing for each of the Members on what we have done in their State, and in their particular districts as well, on the Recovery Act funds.

The bulk of the TARP money is with the repayments by AIG, the automakers, the automakers' financing arm that provided assistance, and the Home Affordability Modification Program. There are a few smaller banks that haven't repaid yet. But, the bulk of it has been repaid.

Mr. HONDA. Thank you, Mr. Chairman.

DUPLICATION AND THE ROLE OF GOVERNMENT

Mr. CRENSHAW. Well, thank you.

And thank you so much for your testimony.

One thing, just in closing. I think you do a great job when we ask you to talk about efficiency and about duplication. The bigger issue, I think, for you to think about and for all of us to think about is, as I talked earlier about: What are the essential roles of government? I mean, and that is kind of outside your purview, but I think we ought to be asking that question. Not only, are you doing it efficiently, but if you are doing things that maybe we shouldn't be doing in the first place, the fact we are doing it efficiently and effectively, you know, is not as important.

Mr. DODARO. Yes.

Mr. CRENSHAW. So think about that as we go forward.

And, again, thank you. I think this has been a model of efficiency and effectiveness. We have had this hearing; we conducted it in time to go vote.

So thank you very much for all that you do. Thank you.

Mr. DODARO. Thank you very much.

Mr. CRENSHAW. The Subcommittee will stand in adjournment until 10:30 a.m. on Tuesday, March 15th. At that time, we will hear testimony from the Architect of the Capitol.

[Additional questions for the Record follow:]

QUESTIONS FOR THE RECORD
Chairman Crenshaw

FISCAL YEAR 2012 REQUEST

Question. GAO is not seeking an increase in fiscal year 2012 over current operating levels. How do you plan to reduce costs and balance tradeoffs to absorb this freeze? What efforts have you put off into out years?

Response. GAO is committed to implementing cost savings and efficiencies without diminishing our traditionally high-quality work that lays the foundation for critical decision-making and oversight by the Congress. This will entail difficult tradeoffs as we face increasing workload demands while trying to support a staff capacity of 3,220 FTEs without additional resources.

We have planned significant reductions across a broad range of programs in fiscal years 2011 and 2012 to streamline our operations, reduce discretionary spending, reduce and defer investments, and leverage technology to help us achieve our mission more effectively and efficiently. These areas include:

- limiting hiring to only replace critical staff losses;
- reducing staff travel while leveraging other means of communication, including teleconference and video-conference capabilities, whenever practical;
- limiting contracts related to congressional engagements to those that obtain critical subject or technical expertise;
- limiting external training opportunities to staff who represent the agency at professional forums or necessary to meet certain professional certification requirements, such as state bar requirements;
- deferring some security clearance upgrades for employees and contract staff;
- reducing the cost of operating our facility, including energy consumption;
- reducing contract support in information technology and other sensitive areas;
- deferring technology enhancements which would improve staff efficiency; and
- deferring investments in critical infrastructure programs to improve aging building systems.

While painful, reducing costs in these areas is necessary to fulfill our goal to balance efficiency and productivity in a tight budget environment. Despite the added challenge, at a fiscal year 2010 funding level GAO will still be able to meet the highest priority congressional needs in a timely manner. We will outreach to the Congress to understand and set priorities to ensure that we focus on the most important issues for congressional oversight. However, if GAO is funded below the requested fiscal year 2010 funding level, it would negatively impact our ability to provide timely responses to the range of Congressional requests and mandates, increase the length of time it takes us to staff requested assignments, diminish our capacity to conduct engagements, increase the number of pending requests, and adversely impact our ability to effectively assist the Congress in addressing the broad array of challenges facing the nation.

LEGISLATIVE MANDATES

Question. In fiscal year 2010, the number of legislative mandates for GAO increased 30% over fiscal year 2009. How are these prioritized? Is there a better, more efficient, way to screen Congressional directives?

Response. GAO continually monitors legislative action for potential mandates, and reviews them with senior management on a weekly basis. As soon as mandates are introduced we assess the reasonableness of the request with regard to the scope, availability of needed resources, competencies to meet the mandate, and whether the mandate is within GAO's authority. Additionally, we review the timing of the mandate, methodologies needed, and the priority of the mandate in comparison to other congressional requests for the specific committees involved. In screening potential mandates we also assess where they would be more appropriately addressed to the Congressional Research Service, the Inspector General's office, or other organizations like the National Academies. These matters are discussed with congressional staff or with members of the committee(s), as appropriate.

We are always working with the committees and congressional staff to ensure that we maintain an awareness of congressional priorities in regards to potential mandates. This outreach approach combined with our continual monitoring efforts ensures that we use our resources to their greatest benefit in meeting the needs of our congressional clients.

While we are always looking for ways to make improvements, we believe this current process generally works well and is in the best interest of the Congress and the GAO.

PRESENCE IN IRAQ/AGHANISTAN

Question. GAO continues a temporary field presence in the International Zone in Baghdad, Iraq. Can you expand on GAO's efforts in the region? Do you see a need for a field presence in Afghanistan and Pakistan? Are there various mandates given to GAO in this area? To establish such a presence, what efforts are you undertaking with the Department of State?

Response. We currently have three long term temporary duty staff stationed in the International Zone in Baghdad, Iraq. We plan to continue this level of presence into fiscal year 2012. The staff work on multiple GAO engagements related to US military and civilian activities and afford us a firm oversight presence in the country. We believe it is critical to have a limited number of GAO staff on the ground in Iraq to effectively carry out GAO's mission and to serve the broad interests of Congress. State Department and the Chiefs of Mission have afforded GAO excellent support and cooperation in our efforts to access the necessary data, facilities and representatives of the government of Iraq and other program implementers in Iraq. Our presence in Iraq is further necessary to address recent Congressional mandates to assess the campaign plan for Iraq and to evaluate contracting activities there.

We are currently planning on establishing a presence in Afghanistan to meet Congressional mandates and interests in the region. As is the case in Iraq, we believe having staff on the ground will allow us to establish the relationships and have ready access to information and people to be more responsive to concerns raised by Congress. As in Iraq, we have Congressional mandates to assess US progress toward achieving goals in the integrated civilian-military plan and to evaluate contracting activities in Afghanistan. Having a presence in Afghanistan will enable us to leverage multiple GAO engagements related to US military operational activities, US civilian agency programs, and contract oversight over billions of dollars invested in Afghanistan.

In late 2009, we requested State Department support in establishing a 5-person temporary duty presence in Kabul, Afghanistan. We are currently awaiting State Department's approval of our request.

We continue to conduct engagements in Pakistan but we have no plans to establish a long-term presence at this time.

PROFESSIONAL DEVELOPMENT PROGRAM

Question. I understand that there is a 2 year Professional Development Program that new employees of GAO undergo. Please explain this investment in your employees.

Response. The Professional Development Program (PDP) was established in 2001 for newly hired analyst staff to maximize their productivity, enhance their job satisfaction, and encourage their retention by providing broad job experiences in a wide variety of subject areas, quality supervision and training, orientation to the GAO environment, and flexibility in staffing. The PDP program further allows GAO the opportunity to ingrain into its newest staff members all facets of our comprehensive methodology, our quality framework, and the essential elements of Generally Accepted Government Auditing Standards (GAGAS).

PDP staff are assigned an Advisor, typically an Assistant Director, to guide them during the 2-year program. PDP staff rotate among and/or within mission teams; are given carefully selected engagements, roles and responsibilities, and supervisors; prepare individual development plans focused primarily on on-the-job training; and receive detailed feedback on their performance every 3 months throughout their participation in the program.

The PDP helps GAO to meet the Government Auditing Standard on Competence, which requires a commitment to learning and development of staff, and also provides GAO with a workforce that can work on a wide range of engagements. GAO has since created development programs for newly hired attorneys, communication analysts, and certain administrative staff.

TECHNOLOGY ASSESSMENTS

Question. Does the FY 2012 budget request include funding for the continuation of technology assessments?

Response. GAO's technology assessment program is managed through its Center for Science, Technology, and Engineering. Besides managing the technology assessment program, the Center's scientific and technical workforce also provides support to GAO audit teams on technical aspects of federal programs and activities, conducts its own performance audits that are primarily technical in nature, and provides short-term scientific and technical information to the Congress. This work has included nuclear safety, weapons systems, biomedical systems, and communication technologies, among other topics. Due to the high demands for various types of scientific and technical support, we currently have the capacity to produce only one or two technical assessments each year. However, these assessments meet an important need of congressional committees. In May 2010, GAO completed a technology assessment on the use of explosives detection technologies to protect passenger rail.[1] GAO is currently working on two technology assessments. The first assessment is on climate engineering technologies and the second is on alternative neutron detection systems. Both are expected to be completed this year.

GAO remains committed to providing a technology assessment capability for the Congress and looks forward to working with relevant committees of jurisdiction to ensure their needs are met in this area. However, should Congress determine that it no longer needs this type of analysis, GAO would still need its highly skilled scientific and technical workforce which is in high demand to support other congressional request work and statutory mandates.

[1] GAO, *Technology Assessment: Explosives Detection Technologies to Protect Passenger Rail*, GAO-10-590SU (May 28, 2010). A public version excluding sensitive security information was also prepared: *Technology Assessment: Explosives Detection Technologies to Protect Passenger Rail*, GAO-10-898 (July 28, 2010).

TRAINING AND DEVELOPMENT

Question. Your fiscal year 2012 request includes $4.4 million for training and development. Please explain what makes up this request and provide for the record a breakout of the total.

Response. GAO supports Congress in meeting its constitutional responsibilities and to help improve the performance and ensure the accountability of the federal government. To accomplish its mission, GAO depends on a diverse and knowledge-based workforce with a broad spectrum of skills. To ensure that GAO can respond in a timely, effective manner to congressional requests related to recent events and current activities, as well as look ahead to emerging conditions, it is critical that staff develop and maintain subject matter expertise and technical knowledge, organizational and professional skills, and the capacity to manage audit engagements. GAO is committed to the professional development of staff.

Auditors and analysts in GAO are subject to the Continuous Professional Education (CPE) requirements, which require staff to obtain 80 CPE hours every 2 years, as set forth in the Generally Accepted Government Auditing Standards (GAGAS) or Yellow Book. In that regard, the $4.4 million includes compliance-, role-, and task-based core and elective programs that are specific to GAO. It also includes agency-wide issue specific training in areas such as health care, information technology, natural resources, and financial management.

QUESTIONS FOR THE RECORD SUBMITTED BY

Ranking Member Michael Honda

Gene Dodaro, Acting Comptroller General

FY2012 Budget of the Government Accountability Office

Staffing

Question: How long will GAO's recovery act work continue?

Response. GAO has several reoccurring mandates under the Recovery Act:

- Under section 901 of division A, GAO must conduct bimonthly reviews and report on such reviews on the use of funds made available in the Recovery Act by selected states and localities. The Recovery Act does not provide an end-date for this mandate.
- Under section 1512(e) of division A, GAO must comment on the estimate of the number of jobs created and the number of jobs retained as reported in recipient reports. This mandate will continue until no more recipient reports are filed.
- Given that Recovery Act funds have been and are being spent in a wide range of programs, congressional and public interest has naturally evolved to focus on questions about what has been achieved--in a specific, programmatic sense—for the billions that have been spent. In response, GAO's reporting strategy to meet its bimonthly review and recipient reporting comment mandates has also evolved. Starting with the December 2010 bimonthly review, GAO has focused in depth on a single major program, rather than covering several programs at a higher level in 16 states and the District of Columbia as was done in the previous bimonthly reviews. By taking this program-specific focus, GAO can provide a national picture of how the Recovery Act is affecting each program in greater detail. GAO's reports will continue to comment on the recipient reported jobs estimates, but with a focus on how the selected program and its administering agency is working with recipients to ensure complete and accurate data.
- Under section 802 of division A, GAO must report annually on the impact of minimum wage increases in American Samoa and the Commonwealth of the Northern Mariana Islands on employment rates, living standards, and related matters. This mandate will continue until the minimum wage in those territories is $7.25 per hour.
- GAO also has several remaining one-time reporting requirements under the Recovery Act. They include reporting on how national economic downturns have affected states (due April 1, 2011), on amendments to the Trade Act of 1974 (due Sept. 30, 2012), on various provisions of the Recovery Act related to health care (due Feb. 18, 2014), and on certain education grant programs (no due date in the act).

GAO will also continue to conduct reviews of Recovery Act-related spending and programs in response to separate congressional requests.

Question: Without funding for the additional FTEs how is the Recovery Act work going to be financed?

Response. In keeping with the programmatic focus, GAO's Recovery Act work is now being carried out by teams within GAO that normally do work in a given program area. After September 2010, when funds provided to GAO for Recovery Act work expired, the 17 field teams in the 16 states and the District were discontinued and the ongoing Recovery Act work is now financed as part of each teams' normal workload. The selection of specific Recovery Act programs for review was done in consultation with the relevant committees of jurisdiction to ensure that the ongoing Recovery Act work is consistent with congressional needs.

GAO is conducting Hill outreach to discuss the feasibility of revising the timeframes for reporting for the Recovery Act mandates. Recognizing the current status and spending on the Recovery Act, GAO suggests that timeframes for the bi-monthly reporting be changed to quarterly reporting on the use of Recovery Act funds by selected states and localities. Similarly, GAO suggests ending the quarterly reporting on jobs funded through the Recovery Act since the recipient reporting system has improved.

Question: Is GAO leveraging the work of State auditors and Inspector Generals for Recovery Act oversight?

Response. Yes. GAO continues to reach out to and to coordinate closely with state auditors in states where it is conducting Recovery Act work. Additionally, GAO communicates regularly with state and local associations such as the National Association of State Auditors, Comptrollers, and Treasurers regarding our ongoing work. GAO also continues to coordinate its work with the federal agency Inspectors General on each Recovery Act program to leverage efforts across the accountability community, to avoid duplication and overlap of effort, and to strengthen oversight and accountability of the Recovery Act funds. GAO also communicates regularly with the Recovery Accountability and Transparency Board, as part of its ongoing work.

Question: How many people is GAO estimating will retire or leave in fiscal year 2011? How many people have you hired to replace those retiring? How many people is GAO estimating will retire or leave in fiscal year 2012?

Response. At the time that our FY 2012 Budget Request was prepared, based on historical data we estimated that about 180 staff will leave GAO annually in fiscal years 2011 and 2012 through retirements, transfers, or resignations. We have begun to see a slight increase in current trends which may result in slightly higher than anticipated attrition of about 200 staff.

Our fiscal year 2011 workforce plan under a flat-lined budget scenario estimates that we would hire 90 staff - about 50 percent of our estimated loss. However, until we receive a final budget, we have temporarily suspended hiring except for critical needs. As of March 2011, we have filled 9 positions.

Question: How many staff do you have assigned to international posts? What is the fiscal year 2012 budget for staff assigned internationally?

Response. We currently have three long term temporary duty staff stationed in the International Zone in Baghdad, Iraq, and plan to continue this level of presence into fiscal year 2012. In late 2009, we requested State Department support in establishing a 5-person temporary duty presence in Kabul, Afghanistan. We are currently awaiting State Department's approval of our request.

We estimate $2,048,000 to maintain posts in Iraq and Afghanistan in fiscal year 2012, including $460,000 for Iraq and $1,588,000 for Afghanistan. These estimates include costs for required training, travel, hazardous duty pay, and in the case of Kabul, administrative support.

Questions for the Record
Mr. Bishop

Question. I noticed that the GAO was recently asked to do a financial audit of the American Battle Monuments Commission. As the Ranking Member of the Military Construction-Veterans Affairs Appropriations Subcommittee, I am very interested in reviewing the results of the report. Such an audit must have required extensive travel both in the United States and overseas. After all, there are 24 military cemeteries on foreign soil. What impact does such a report have on the GAO's budget? Also, are there any reimbursement requirements given the extensive travel that must have been required to do an adequate job?

Response. GAO's audit of the American Battle Monuments Commission's financial statements is a recurring statutory mandate. Since 1997, the Commission has been required by Public Law 104-275 to annually prepare and submit to the House and Senate Committees on Veterans' Affairs financial statements for the Commission, and GAO has been required to annually audit these statements and issue a report on the results of its audits to these same committees. Prior to this, the Commission was not subject to such reporting requirements and had not had a financial statement audit. Our most recent completed audit of the Commission's fiscal year 2010 financial statements was issued on March 1, 2011. This was the 14th annual audit GAO has performed of the Commission's financial statements since the statutory mandate became effective.

While the Commission operates and maintains 24 American military cemeteries on foreign soil, its financial and operational activities have recently been centralized in the Commission's Paris Overseas Operations Office located in Garches, France, a Paris suburb. The individual cemeteries originate financial transactions, but the Paris office approves and disburses funds for the activities of the cemeteries, effectively accounting for 90 percent of the Commission's annual budget. The activities of the Commission's headquarters office in Arlington, Virginia, account for the remaining 10 percent of the Commission's annual budget. The headquarters office handles overall management, budgeting, and financial and other reporting for the Commission.

In accordance with auditing standards, GAO's approach to the annual financial statement audit is to conduct detailed audit procedures annually at the Commission's headquarters office and its overseas office in Paris and, through the fiscal year 2010 audit, another Commission office in Rome, Italy, whose functions are being consolidated into the Paris office. Work at these locations is necessary to effectively test the Commission's processes, procedures, and controls over its financial transactions. We utilize a risk-based audit approach, which involves testing financial transactions using statistical sampling techniques to maximize efficiency while still being able to extrapolate our audit conclusions to the universe of Commission transactions. As part of our audit, we visit 2 to 3 different cemetery locations each year, enabling us to complete visitations to all of the cemetery locations within a 10-year period.

The annual requirement to audit the Commission's financial statements does have an impact on GAO's budget. To conduct the audit in accordance with professional standards, we typically consume 650-700 staff days annually, which equates to about $460,000 in personnel and overhead costs plus about $40,000 in travel costs. These annual costs come directly out of

GAO's budget, as the statute requiring that GAO annually audit the Commission's financial statements does not provide for GAO to be reimbursed for the costs of the audit.

In 2002, the Accountability of Tax Dollars Act was passed, which required those executive branch agencies not covered by the Chief Financial Officers Act, including the Commission, to annually prepare and have audited financial statements. The Accountability of Tax Dollars Act requires that agencies have their financial statements audited by an independent public accountant, though GAO has the authority to conduct such audits in lieu of an external auditor and can review the audits conducted by the external auditor. These agencies thus are required to pay for the annual cost of the financial audit from their budgets. However, because the 2002 Act did not amend or modify the provisions of the previous existing legislative requirement, GAO has continued to conduct the annual audit of the Commission's financial statements, without the benefit of being reimbursed for the service.

We do believe that, given the audit requirements contained in the 2002 Act, the continued requirement that GAO conduct the Commission's annual financial audit should be revisited, and are in the process of proposing this to the House and Senate Veterans' Affairs Committees. The 2002 Act provides for the rigor of an annual financial audit process at the Commission without the requirement that GAO conduct the audit. Additionally, eliminating the requirement that GAO perform the annual audit would bring the Commission's practice in line with the vast majority of executive branch agencies by making the Commission responsible for contracting with an independent public accountant to have its audit completed. While GAO would still retain discretionary authority to conduct the audit or to review the audit of the independent public accountant, relief from this mandate would free up GAO resources to focus on other efforts to meet the needs of the Congress and the public.

Question. Mr. Dodaro, I understand that the GAO is renowned within the federal government for its two-year training and development program for new recruits. What type of recruitment does GAO undertake at minority institutions like Historically Black Colleges and Universities (HBCUs)?

Response. GAO undertakes a variety of efforts to target highly-qualified minority candidates on the campus and beyond. We have established formal partnerships with approximately 70 campuses -- a significant number of which have high percentages of minority students. Specifically, 8 of the schools are those designated as minority-serving institutions—institutions that target or have a significant percentage of minority students. Five of these 8 schools are HBCUs. For all of the campuses where we have formal partnerships, GAO recruiters are instructed to carry out a range of appropriate activities to reach potentially highly-qualified applicants, including making classroom presentations, working with students on class projects, meeting with faculty and career center staff, participating in career fairs, or conducting information sessions with campus-based diversity or professional organizations. In FY 10, GAO's recruiters reached out to over 50 different campus-based diversity organizations. Additionally, GAO makes every effort to ensure that campus-based recruitment teams represent the broadest definition of diversity, including ethnicity, race, background and years of experience. Because data have shown that a majority of applicants do not come from the campuses we partner with, GAO has realized that it must use other avenues to help diverse populations learn about GAO and job opportunities. As a result, for example, we advertise in media that target minority populations; we support GAO staff attendance at networking and professional development events (e.g., National Association of Black Accountants Regional Conference), and we use an electronic notification system to alert hundreds of diversity-based organizations about job openings.

Question. How many analysts do you have that are minorities? Are these analysts being promoted into management ranks? How many minorities are currently managers at GAO?

Response. Currently, minority groups represent about 28 percent of our analyst and related staff, a steady increase over the last several years where representation was between 25 and 26 percent. Additionally, representatives from minority groups have been promoted into the management ranks, especially over the last several years. Specifically, minority groups represent about 24 percent of our managers, an increase over previous years from 22 percent.

Question. I understand that there have been some recurrent issues concerning GAO's ability to audit intelligence programs. Has there been any progress in the last year in this regard? Has the intelligence community been more cooperative or less cooperative to GAO staff with regard to audits of their programs?

Response. GAO's ability to obtain necessary information from elements of the intelligence community remains challenging. In view of the difficulties GAO has faced in this area, section 348 of the Intelligence Authorization Act for Fiscal Year 2010 (Public Law 111-259), enacted on October 7, 2010, requires the Director of National Intelligence (Director), in consultation with the Comptroller General of the United States (Comptroller General), to issue a written directive governing the access of the Comptroller to information in the possession of an element of the intelligence community. The Act further requires that the Director submit the directive to Congress, together with any comments of the Comptroller, no later than May 1, 2011. The directive shall take effect 60 days after its submission to Congress unless, for reasons of national security, the Director determines it should take effect sooner.

Since enactment of the Act, GAO has provided extensive input to ODNI on GAO's statutory right to agency records under 31 U.S.C. 716 and the challenges GAO has faced when conducting reviews that relate to or overlap with activities of the intelligence community. For example, GAO has encountered resistance in obtaining information on activities funded, in whole or in part, through the National Intelligence Program budget, even where the subject of GAO's review involves human capital management. GAO has a statutory right to such information and has an unblemished record of safeguarding national security and other highly sensitive information. The ODNI Directive needs to establish a presumption of cooperation with GAO and delineate requirements for the intelligence community that will facilitate cooperation with GAO, so that GAO can provide complete and timely information to the Congress.

We will keep the committee informed on whether this process results in progress and better cooperation from the intelligence community.

Question. Mr. Dodaro, I was very impressed with your recent report identifying duplicative government programs. I was wondering whether GAO tracks the number of staff hours that are required to write such a report. Also, given GAO's new mandates and increased workload, has that had any impact on the recruitment and retention of staff?

Response. As a knowledge-based organization, GAO's most significant resource is its staff. As a result, GAO manages engagements based on the staffing resources needed to conduct the engagement, rather than applying a dollar or budget figure to represent the engagement's cost. In addition, we allocate staff resources and measure our performance by strategic goal rather than by engagement, as described in our annual Performance and Accountability Report. It should be noted that the data GAO collects and analyzes when conducting its work is often used on multiple engagements and because there are so many engagements that share data, it would not be cost-effective—or perhaps even possible—to accurately isolate the cost of any particular engagement. This was the case with the report on duplicative federal programs where we drew upon an extensive body of work across GAO.

We often do work for multiple requesters and multiple purposes which allows GAO staff to draw upon a body of work in responding to a particular request. The resources needed to conduct an engagement and issue a product can 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.

Until we receive a final fiscal year 2011 budget, we have curtailed recruitment efforts. Faced with an increasing workload and limited recruiting planned for fiscal year 2011, we will outreach to the Congress to understand and set priorities to ensure that we focus on the most important issues for congressional oversight. In fiscal year 2012, our requested funding at a flat-lined level would provide sufficient funding to maintain our planned fiscal year 2011 staffing level. However, if GAO is funded below the requested level, it would negatively impact our ability to provide timely responses to the range of Congressional requests and mandates, increase the length of time it takes us to staff requested assignments, diminish our capacity to conduct engagements, increase the number of pending requests, and adversely impact our ability to effectively assist the Congress in addressing the broad array of challenges facing the nation.

Presently, there is no measurable impact of our increased workload on staff retention.

QUESTIONS FOR THE RECORD
Rep. Emerson

Question. Mr. Dodaro, your testimony mentioned the fact the Dodd-Frank law alone included 44 new mandates on GAO. How many mandated statutory required actions is GAO required to perform this year, and how does that compare with previous years?

Response. In fiscal year 2010, the number of new GAO legislatively mandated studies increased by more than 30 percent over the prior fiscal year. For example, Dodd-Frank (enacted in 2010) contained 44 new statutory requirements for GAO, including 16 that are due in FY 2011, 16 that are due in FY 2012, and 6 that are due in 2013. The remainder do not have specific reporting requirements, no specific due date, or depend on trigger events.

Question. One of those requirements is to audit the Federal Reserve. What resources are you expecting to set aside for this audit, has a timeline been established, and what cooperation level are you expecting from the Federal Reserve?

Response. The Dodd-Frank Act requires GAO to conduct a study on the Federal Reserve emergency credit programs. To do this, we are using resources across a number of GAO mission teams. They include the Financial Markets and Community Investment team, the Financial and Management Assurance team, the Acquisition and Sourcing Management team and the Center for Economics within the Applied Research and Methodology team. Each of the engagement teams consists of 1 to 6 analysts as well as management from each team. The Office of General Counsel also provides assistance on reviewing legal matters across all areas. We started work in this engagement soon after enactment of the Dodd-Frank Act (July 2010) and will issue the report by July 21, 2011, as required by the Dodd-Frank Act.

Our work requires us to obtain large amount of information and data from the Federal Reserve Board of Governors and the Federal Reserve Bank of New York, and to a lesser extent the Federal Reserve Bank of Boston. To date, we have generally received good cooperation from the Board, FRBNY, and the Federal Reserve Bank of Boston. They have acknowledged our requests on a timely basis and have made relevant Board and bank staff available to meet with us on numerous occasions. We expect this level of cooperation to continue as we complete our work.

TUESDAY, MARCH 15, 2011.

ARCHITECT OF THE CAPITOL

WITNESS

STEPHEN T. AYERS, ARCHITECT OF THE CAPITOL

CHAIR OPENING REMARKS

Mr. CRENSHAW. The subcommittee will come to order. Today we are going to hear testimony from the Architect of the Capitol, the Honorable Stephen Ayers. You have testified before our committee before, but always as the Acting Architect of the Capitol, and today you are the real thing. So I want to congratulate you on your appointment last year.

I am looking at the request of $619 million. That is $92 million, or 17.4 percent, above the current continuing resolution, And that is exclusive of the Senate office buildings. I know you have got a wide range of challenges, but your problems are our problems. We are in this thing together. And you know that these are difficult times from an economic standpoint. Everybody is going to have to try to do more with less. We are going to have to be more efficient, more effective. And I know you have got a job that kind of lends itself to that in terms of priorities and I know you have thought a lot about that.

So I want to let you know that our subcommittee wants to work with you to figure out ways that we can save money, do things more efficiently. That is why we are here.

So before I turn things over to you, I want to ask the ranking member, Mr. Honda, if he has some remarks.

OPENING REMARKS—CONGRESSMAN HONDA

Mr. HONDA. Yes. And thank you, Mr. Chairman. I really appreciate this opportunity. And welcome and congratulations. Like the Spanish saying goes, mi casa es su casa. And you just happen to be the architect of the casa.

One of the things I wanted to say very clearly is the prioritization process that you have helped the subcommittee put together from which we can make tough choices. And I just wanted to say that because the priorities have to be very complete, whether it is funded or not. I think that you need to put that on the record so that if something does come up in the near future, that you had put it in place for our consideration. Whether we do anything about it, we have to share that responsibility and the consequence.

The chair had talked about the level of increase over 2010. I think you had a comment about your budget request, you probably say it more accurately—the original submission was lower, but it somehow is changing, so I anticipate your comments around that.

It was not only humorous, but it was very pointed, too. You are requesting a 5.1 percent increase to the operating budget and an increase of 6.1 percent for the multiyear projects. In addition to addressing the increasing backlogs of demands for life safety compliance and security issues, the request incorporates real property items that are essential to the Legislative Branch, the agency's mission, including the House of Representatives, Library of Congress, and the Capitol Police. I think that the challenge to this subcommittee is to serve as stewards of this branch of government, while operating under the tight budgetary constraints, and that is the most salient with your office.

FISCAL RESPONSIBILITY

We must take care to ensure that the near-term pressure for fiscal restraint does not ultimately impose significantly higher lifecycle costs in the long term, and that is important. This will require advance planning for large projects in the pipeline, and I am pleased that this subcommittee was able to begin that process last year when they started building a revitalization trust fund which was around $50 million for the initial planning.

The chairman and I came to the Congress at the same time. We are in the same class from 2001, 9 months before September 11th, the terrorist attack. The evacuation of the Capitol and the House and Senate office buildings on that horrific day showed me many flaws, and I am concerned that those flaws still remain today and that adequate plans and systems are not in place.

Since joining the subcommittee, it has become apparent that one major issue is lack of a singular point person, and the House and Senate Sergeants at Arms are point people for the respective bodies. However, most people look to the Capitol Police as the lead. In addition, none of this can be accomplished without our chief of buildings, the Architect. Where does the budget stop in order for us to come with the precise singular plan, regardless of what the organizational structure is. And maybe you can help us today to figure who is in charge of the evacuation and emergency preparedness across the Capitol.

I bring this up on more than an annual frequency, mainly because I am very concerned about the health and safety of our staff, those who are ambulatory and those who are disabled and also our Members. I think we have that overriding responsibility to be concerned about that. The chair and I have discussed this once before.

I will conclude my comments with that and yield back. Thank you, Mr. Chairman. I appreciate it.

Mr. CRENSHAW. Thank you, Mr. Honda.

Mr. Ayers, your full statement will be inserted into the record. So I want to turn the floor over to you to make any comments you might have and introduce any staff that you might want to introduce. Please proceed.

Mr. AYERS. Thank you, Mr. Chairman, and thank you, Representative Honda, for the opportunity to testify today regarding our 2012 budget request.

CHALLENGES

Today we face significant challenges as our facilities and infrastructure continue to age and our mission continues to expand. In fact, we currently have a backlog of nearly $1.5 billion in deferred maintenance and capital renewal projects that, if left unaddressed, could greatly impact the safety and security across the Capitol campus.

As steward of the Capitol campus, I know that investment in our aging and historic infrastructure is vital; however, I also realize that the current fiscal environment presents a very difficult challenge for us and the Congress to do more with less, and I think our budget request attempts to address this challenge.

NEED-BASED BUDGET

We have prepared a budget based on the current needs of our buildings and we call this a need-based budget. The projects requested are prioritized to enable the subcommittee to make informed decisions about what to fund and what not to fund. We are also preparing a series of alternative analyses that can get us to a flat budget or a 5 percent or a 7 percent decrease. We are looking forward to working with the Congress and are prepared to work with the subcommittee to make those informed and difficult decisions regarding the future investment in the Capitol campus.

In addition, to ensure that we make maximum use of every taxpayer dollar, we continue to identify cost savings and efficiencies in our organization to aggressively address the most effective ways to use our limited resources. We have implemented comprehensive performance metrics that have led to very significant savings in our organization in the last few years. For example, we have reduced our inventory on hand from $56 million down to $7½ million just by putting in place some important performance metrics. We also put in performance metrics in our IT shop and have recently eliminated 150 printers and fax machines across the organization. These are little things, but these little things can add up to be big things, and it also, I think, represents a culture of accountability in the organization.

We have utilized public-private partnerships to finance our energy reduction projects, allowing us to invest our appropriated funds in higher priorities. We have renegotiated leases to get better rates and have reduced staff through attrition without impacting our ability to achieve our mission.

This budget reflects the highest requirements to prevent further deterioration of our facilities. We have included projects to improve security and safety on the Capitol campus. And more importantly, we have deferred nearly $130 million in projects that are ready to proceed and need to proceed, but we think can be delayed another year or two.

Through the work of our professional staff, we are able to address our client needs on a daily basis, maintain our facilities, and mitigate the number of projects that are required. However, even at this level of funding, the operating budget alone will not enable us to defer projects indefinitely. And as I know you know, these projects will only become more serious and, in the end, cost more.

Mr. Chairman, the Architect of the Capitol, we believe, embodies the commitment to preserving and maintaining the historic fabric of our country, and our Fiscal Year 2012 budget request reflects the seriousness with which we take that responsibility. We continue to be successful in our mission due to the skills of our dedicated staff, and we reap the benefits of their knowledge, skills and abilities every single day. And it is a real honor for me to lead this team. Their work doesn't go unnoticed, and, in fact, our 2010 customer satisfaction survey notes that over 90 percent of our customers are fully satisfied with the level of service we provide the Congress.

With that, I will conclude my statement and be happy to answer any questions you may have.

[The statement of Mr. Ayers follows:]

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

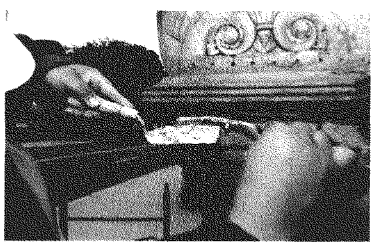
Regarding Fiscal Year 2012 Appropriations
For the Architect of the Capitol

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

March 15, 2011

Mr. Chairman, Representative Honda, and members of the Subcommittee, thank you for the opportunity to testify today regarding the Architect of the Capitol's (AOC's) Fiscal Year 2012 budget request.

I would like to begin by expressing my thanks to this Subcommittee and to the Congress for its support of the AOC over the past several years as we worked to fulfill our mission of serving the Congress and the American people by maintaining and preserving the wonderful historic treasures entrusted to our care.



We know first-hand the challenges of preserving historic buildings and planning for current and future requirements. It requires ingenuity, craftsmanship, perseverance, astute planning, diligence, and judicious management of resources. Our staff works around the clock to provide a safe and accessible environment for all who work and visit here.

With Congress's support, significant investments have been made in our buildings and infrastructure. Today, we face even greater challenges as the facilities continue to age and our mission continues to expand. In fact, we currently have a backlog of nearly $1.5 billion in Deferred

Maintenance and Capital Renewal projects that, if left unaddressed over a significant length of time, could greatly impact safety and security across the Capitol campus.

As steward of the Capitol campus, I know that investment in our aging and historic infrastructure is vital. However, we do realize that the current fiscal environment presents a very difficult challenge for Congress, the AOC, and the American public to do more with less funding. Our Fiscal Year 2012 budget request reflects this challenge as we have carefully and systematically prioritized projects, and meticulously developed our operational funding.

To further ensure that we make the maximum use of every taxpayer dollar, we continue to identify additional cost savings and efficiencies, and to aggressively address the most effective way to use limited resources. We have implemented comprehensive performance measurements and metrics for nearly every aspect of our organization and these have led to significant agency improvements and cost savings. This data-driven management culture permeates our agency and gets results. We also have established goals to improve our operations, such as our efforts to increase procurement opportunities for small businesses. In Fiscal Year 2010, we exceeded those goals by awarding over $20 million in contracts to small businesses.

Assisting me in these efforts is our Chief Operating Officer, Christine Merdon. Ms. Merdon joined the AOC in September 2010, and she brings a wealth of experience to our organization from both the public and private sectors, including small business acumen.

She began her Federal career in 1981 as a cooperative education engineering student for the Navy. After earning her Bachelor of Science degree in 1987, from the University of Maryland in Civil Engineering, she continued her career with the Navy as a project engineer and project manager. In 1998, she received a Master of Science degree in Civil Engineering.

In 1990, she joined the White House Military Office as a Project Manager responsible for managing classified design and construction projects at the White House, Camp David, and other Presidential Support Facilities. In 1998, Ms. Merdon was hired by Clark Construction, LLC, where she was project manager and superintendent for numerous projects including the American Red Cross Headquarters, Bethesda Place II, and the renovation of Baltimore's historic Hippodrome Theater.

Ms. Merdon joined McKissack & McKissack in 2000, where she ascended to the role of Senior Vice President of Program and Construction Management. Her responsibilities included operations and business development for program and construction management contracts in Washington, DC, Chicago, Illinois, and Los Angeles, California. There she was responsible for the successful management of more than $11 billion in major construction projects and programs including: Washington Nationals Major League Baseball Stadium, O'Hare Modernization Program, Eisenhower Executive Office Building life-safety upgrades, Martin Luther King, Jr. National Memorial, Smithsonian Institution's National Museum for African American History, and Lincoln and Thomas Jefferson Memorial Renovations.

Over the past several months, Ms. Merdon and I have been working to save the taxpayers time and money. For example, we reduced our inventory of supplies on hand from $56 million to $7.5 million. We are also consolidating Information Technology equipment agency-wide and have eliminated more than 150 printers and fax machines over the past 18 months. We have successfully leveraged the use of performance specifications to avoid unnecessary design fees for several projects, and we are using in-house staff on many of our major construction projects, which has resulted in saving hundreds of thousands of taxpayer dollars.

We also modified how we staffed the post-election office moves, bringing on temporary staff versus contracting out for the services, which resulted in significant savings. During one of the hottest summers on record last year, we expanded our energy curtailment program from a few hours on "gold days" to 24 hours a day, 7 days a week during district work periods. In addition, we have utilized public-private partnerships to finance energy reduction projects, allowing us to invest appropriated funds in other priority projects. At the Capitol Power Plant, we utilized a "free cooling" initiative where we used cold, outside air to create chilled water without running the chillers, thereby conserving electricity and saving money. We also negotiated leases to get the best rates, and we have looked to reduce staff through attrition where we can without impacting our ability to achieve our mission.

Fiscal Year 2012 Capital Budget Request

In addition to implementing these operational and business process efficiencies, we have carefully and meticulously prioritized projects and operational funding.

For example, in Fiscal Year 2010, we examined all of our existing accounts, worked to identify available funds from projects that were nearly complete, and took on additional risk by decreasing construction contingency funding in some cases. Through this effort, we were able to fund nearly $15 million in new projects with existing resources, further decreasing our need for Fiscal Year 2011 funding. This, in turn, enabled us to further decrease our Fiscal Year 2012 request. Moving forward, we will continue to evaluate our ongoing projects, assess associated risks to Congressional operations, and continue to find ways to fund projects with existing funds.

However, we also identified projects or requirements that could be deferred, albeit not without significant risk. As funding is delayed, the requirements will worsen, the risk will escalate, and when funded, the projects will be more costly.

As a result of these exercises, we are requesting funding for only the most urgent projects and operational shortfalls. Our Fiscal Year 2012 request of $706 million is nearly $50 million lower than our Fiscal Year 2011 request, and represents a 6.5 percent decrease from our Fiscal Year 2011 request.

The Fiscal Year 2012 budget request reflects the highest requirements to prevent or delay further deterioration and system malfunctions and/or failures. We have included more than $7 million for projects to improve security on the Capitol campus, and $38.4 million for life-safety projects.

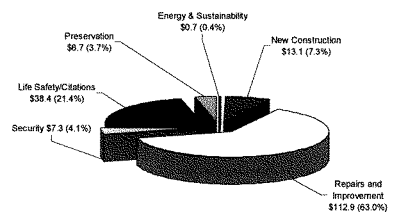
As I noted earlier, we have identified projects that might be deferred, but we have also assumed a level of risk in doing so. We will rely on our operating budgets to manage these risks. This will enable us to continue to maintain and sustain equipment, components, and systems; however, it would not guarantee that we could provide the necessary replacements in the event of system failure.

Capital Budget Request and Project Prioritization

We currently have a backlog of nearly $1.5 billion in Deferred Maintenance and Capital Renewal projects. One of our greatest challenges is to prioritize our efforts to ensure every taxpayer dollar goes toward the most important work. We have developed a world-class project prioritization process that ranks these projects based on the condition of the facilities, and the level of maintenance required to ensure they remain functional and viable working environments.

This triage process for facilities attends to the most serious issues first, while addressing the necessary life-safety issues, security requirements, energy-savings projects, historic preservation measures, and the needs of our clients, while deferring the growing need for Capital Improvement and Capital Construction projects until later.

FY 2012 Line Item Construction Program Projects by Investment Category ($179M)



We believe we have built our Fiscal Year 2012 budget that best balances these needs and requirements in these fiscally-constrained times. We are requesting $179.2 million for capital projects, which is a $37 million or 17 percent decrease from the Fiscal Year 2011 capital projects request. We also are recommending that an additional $129 million in necessary work, which is ready to proceed, be deferred to a later fiscal year due to the austere budget environment.

We have several tools that we use to assess which facilities need emergency care versus those that can be nursed along until funding becomes available to address specific Deferred Maintenance and/or Capital Renewal projects in those particular buildings. These tools include Facility Condition Assessments, the Capitol Complex Master Plan, Jurisdiction Plans, and the Five-Year Capital Improvements Plan, which examines phasing opportunities, project sequencing, and other factors to better facilitate the timing of the execution of major Deferred Maintenance and Capital Renewal projects.

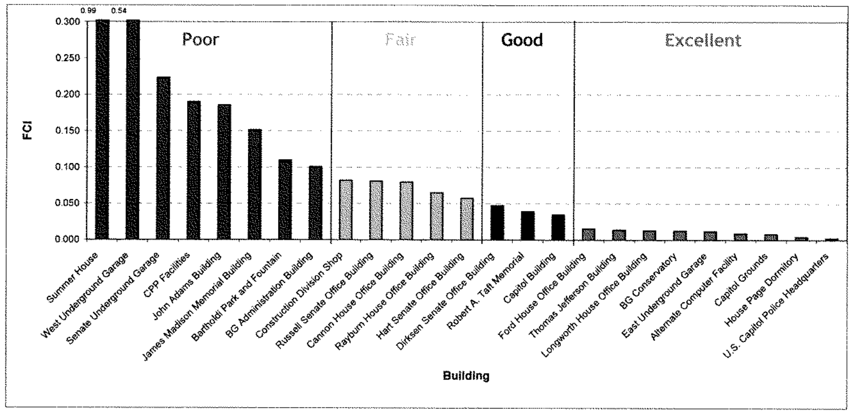
Our comprehensive prioritization process rates projects on a number of objective factors to produce an overall hierarchy of importance. During this process, projects are classified by type and urgency. The projects are then scored against six criteria: security; safety and regulatory compliance; historic preservation; mission; economics, and energy efficiency and environmental quality.

We rank projects based on a composite rating consisting of classification, urgency, and project importance. This year, we also applied a criticality and risk decision model to the overall prioritization list, and the resulting outcome was used as one filter to inform which projects should be included in the Fiscal Year 2012 budget request. We also recognize that our facilities need life-safety, security, and functional improvements to provide a safe working environment to support Congress's mission, and our request reflects improvements in those areas.

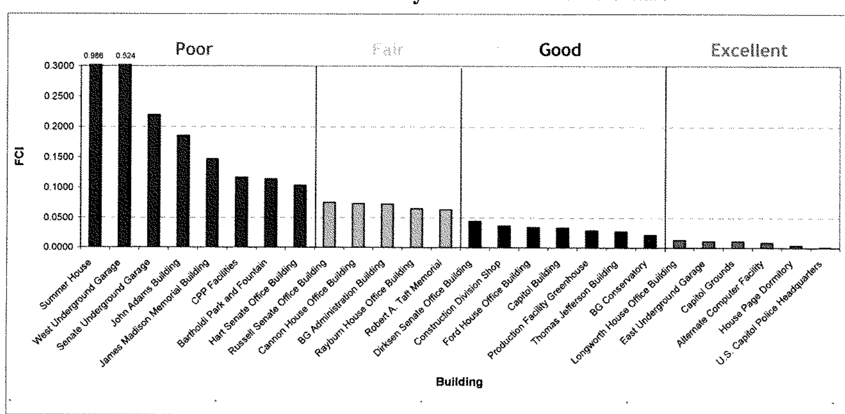
To further refine the data on which our planning is based, for the past several years we have conducted independent, third-party Facility Condition Assessments. These assessments identify the most critical issues in the facilities, and the objective data collected during this process helps us identify the urgent needs that must be addressed.

The charts on the next page compare the Facility Condition Index from Fiscal Year 2009 to Fiscal Year 2010. While the condition of the majority of Congressional facilities, which are rated poor or fair, have not changed significantly, facilities once rated as excellent are beginning to trend downward. In Fiscal Year 2009, nine buildings were rated in excellent condition. In Fiscal Year 2010, there were just six. In Fiscal Year 2009, three buildings were listed as good. Now there are seven.

Fiscal Year 2009 Facility Condition Index Chart



Fiscal Year 2010 Facility Condition Index Chart



FCI Legend

Over 0.10	=	Poor
0.05 – 0.10	=	Fair
0.02 – 0.05	=	Good
Less than 0.02	=	Excellent

Without regular and prudent investments made in these facilities, this unfortunate trend will continue, and the deterioration will continue, possibly to the point of impacting Congressional operations. We will work to reduce the deterioration to avoid operational impacts, however, in this fiscally-restrained climate; we will need to focus resources on those activities and projects that most directly support Congress.

To provide us with a 20-year, strategic look ahead to queue up priorities, investments, and projects, we use the Capitol Complex Master Plan. We have worked with Congress over the past several years to develop the Master Plan and its related Jurisdiction Plans.

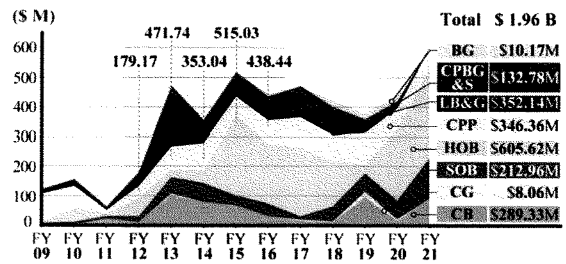
There are nine Jurisdiction Plans that describe the facilities that are maintained and improved by each jurisdiction, detail the current use of space, and identify long-term facility needs of each jurisdiction. These plans help us make future decisions about facility renewal requirements and new projects. For example, there may be instances where major, whole building renovations should be undertaken rather than a myriad of smaller projects.

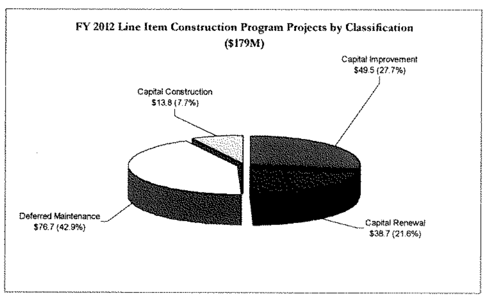
The Capitol Complex Master Plan assumes incremental decision making; providing the AOC and Congress with a blueprint for facility-related decision making and investment. It is an important tool because it:

- Establishes stakeholder goals and direction on key decision points.
- Assesses physical condition and capacities of buildings.
- Identifies short- and long-range facility requirements.
- Addresses sequencing issues.
- Guides the Capital Improvements Plan and funding requirements.
- Manages stakeholder and building occupants' expectations.

The Five-Year Capital Improvements Plan helps us meet several goals by analyzing all of the facility requirements, grouping them into logical and economical sequencing and phasing, prioritizing the resulting requirements using a set of objective criteria, and establishing measureable outcomes.

The chart on the right provides a snapshot of proposed funding requests in future years by appropriation. If investments are not made to address the backlog of Deferred Maintenance and Capital Renewal projects, the bow wave will continue to grow into a tidal wave of projects that could potentially lead to catastrophic results including system failures or building closures.





A large portion of our Capital Budget request is to address Deferred Maintenance -- $76.7 million or nearly 43 percent -- that is critical to prevent or delay further deterioration. Several of these Deferred Maintenance projects that we are requesting funding for in Fiscal Year 2012 also address life-safety and security issues.

These include:

- Utility Tunnel Improvement Program.
- Sprinkler system installation, Thomas Jefferson Building.
- Power Distribution System Replacement, Ford House Office Building.
- Structural repairs to underground garage, John Adams Building.
- West House Underground Garage rehabilitation.
- Switchgear and Transformer Replacement, Phase III, Rayburn House Office Building.

Other capital projects will help improve energy efficiencies, and thereby help save money, such as the relocation and replacement of 35-year-old chillers at the Capitol Power Plant, and upgrading utility distribution system components throughout the Capitol campus, including completing the Utility Tunnel Improvement Program, or support our government's time-honored traditions with the construction of the stands and the planning of the support activities associated with the 2013 Presidential Inaugural ceremony.

Life-Safety Enhancements and Energy Efficiency Improvements

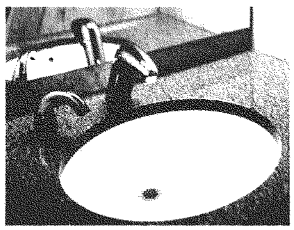
Two areas that are top priorities for our agency are safety and energy reduction, and we continue to see dramatic results due to our efforts in identifying and managing risks, and increasing efficiencies and reducing energy consumption, which in turn, saves taxpayers money.

Just as we have a robust and successful project prioritization process, we have a focused and proactive process in place to abate hazards, and have made substantial improvements to the Capitol campus infrastructure to enhance safety. With Congress's support, we have made significant investments to improve fire and life-safety systems within Congressional buildings and on the Capitol Grounds. As a result, the Capitol campus is safer today than ever, as evidenced by a 59 percent reduction in hazards identified by the Office of Compliance since the 109th Congress. This is particularly significant because the amount of square footage of facilities that we maintain has dramatically increased over the same period of time. Between the 109th Congress and the 110th, the physical inventory that the AOC maintains was increased by 10 percent in additional square footage. During the 111th Congress, another three percent was added.

Moving forward, we will continue to partner with Congress to execute life-safety projects in a planned manner that is fiscally responsible, efficient, and effective in order to further protect those who work in and visit the Capitol campus.

Capitol-wide energy reduction efforts have yielded great results for the fifth year in a row. In Fiscal Year 2010, Congress met the Energy Independence and Security Act of 2007 (EISA 2007) requirement by reducing energy consumption 17 percent. This exceeded the Fiscal Year 2010 requirement of a 15 percent reduction.

To reduce reliance on direct appropriations, we are using privately-financed public-private partnerships, known as Energy Savings Performance Contracts, to fund the project work that needs to be completed to conserve resources and reduce energy consumption.



For example, in the House Office Buildings this past year, we installed 30,000 energy-efficient light fixtures, and converted 2,700 bathroom fixtures to automatic, low-flow units. We have achieved a 23.3 percent reduction in water consumption in the House Office Buildings from Fiscal Year 2009 to Fiscal Year 2010. In addition, approximately 1,250 bathroom fixtures were diverted from landfills and sent to a local asphalt plant for recycling. We also installed a new dimmable LED lighting technology in the Rayburn Cafeteria. In a matter of months, energy consumption for lighting in the cafeteria was reduced by more than 70 percent.

After implementation of all energy conservation measures over the 30-month construction period, the House Office Buildings are estimated to potentially realize a 23 percent reduction in total energy consumption, and approximately $3.3 million in annual energy savings. We anticipate this investment will save approximately 5.4 percent annually toward the EISA 2007 goal.

In the Capitol Building, the following projects are ongoing: upgrading existing light fixtures with high-efficiency lamps, ballasts, and reflectors; modernizing Building Automation Systems, including existing pneumatic and electronic controls for heating, ventilating, and air-conditioning systems with direct digital controls, and replacing air-handling systems.

After implementation of all energy conservation measures over the 27-month construction period, the Capitol Building is estimated to potentially realize a 38 percent reduction in total energy consumption, and approximately $2.2 million in annual energy savings. This will contribute an anticipated 5 percent annually toward the EISA 2007 goal.

In the Senate, we have begun construction on the following energy conservation projects: installing 31,000 energy-efficient lighting fixtures in the Senate Office Buildings; upgrading existing pneumatic and electronic controls for heating, ventilating, and air-conditioning systems with direct digital controls; replacing existing transformers with high-efficiency transformers, and installing removable insulation covers for steam valves to reduce heat loss.

After implementation of all energy conservation measures over the 36-month construction period, the Senate Office Buildings are estimated to potentially realize a 36 percent reduction in total energy consumption, and approximately $3.9 million in annual energy savings. We anticipate that this investment will save approximately 7 percent annually toward the EISA 2007 goal.

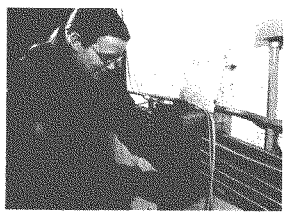
In addition, our employees are doing their part to help save energy by using the mass transit and Flexible Work Schedule programs. More than 35 percent of AOC employees use public transportation to commute to work. In addition, more than 930 AOC employees participate in the Flexible Work Schedule program, and over 125 are enrolled in the AOC's Telework Program.

Because the Capitol Power Plant (CPP) plays a critical role in our long-term energy conservation strategy, we are continually working to improve and upgrade operations there. In December 2010, the CPP marked its 100th anniversary of steady service of steam and chilled water to heat and cool Congressional buildings. In that century of service, the plant has undergone significant changes as new buildings were built, and modern equipment was installed. However, in order to continue to provide these services into the future, significant investment is needed to replace aging infrastructure and to install new, energy-efficient equipment.

Last year, with the assistance of the National Academy of Science, we completed our Strategic Long-Term Energy Plan, which we are using to guide our future energy program planning, and to identify and explore options that will help realize continued energy efficiencies and opportunities to save money.

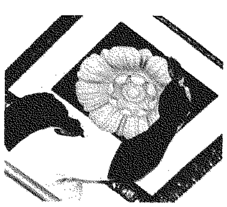
After careful review of several technologies that can further improve efficiencies and help meet future energy requirements of the Capitol campus, we are planning to incorporate the use of cogeneration at the Capitol Power Plant to generate on-site power. Cogeneration is the use of a combustion turbine in order to generate both useful heat and electricity. It is anticipated that the equipment would generate enough electricity to operate the Capitol Power Plant, and the use of the heat generated from this operation would produce enough steam to reduce reliance on the existing boilers. This would increase system reliability and the increased efficiency would help save money. The proposed cogeneration system also would significantly reduce emissions while providing a reliable source of electricity to the CPP and steam for heating Congressional facilities. We are proposing the use of a Utility Energy Services Contract to finance construction of the cogeneration plant. This public-private partnership leverages private funding allowing us to initiate design and execute construction in a timelier manner, and allows us to use limited appropriated funds for other priorities, such as Deferred Maintenance or life-safety projects.

Annual Operating Budget Request



Our Fiscal Year 2012 annual operating budget request for $436.4 million provides funding for continuing the critical activities of operating and maintaining the infrastructure which supports the Congress, other Legislative Branch agencies, and the public, as well as other AOC essential mission support services. This is a slight decrease from our Fiscal Year 2011 budget request. Some of these services include safety, human resources, financial management, project and construction management, planning and development, communications, information technology, and procurement. In our effort to further improve efficiencies and reduce costs, we are requesting funds to add internal controls software tools, and to update obsolete planning and project software.

Through the work of our in-house, professional staff, we are able to address client needs on a daily basis, maintain facilities, and mitigate the amount of project funds required at the present time. However, even at this level of funding, the Operating Budget alone will not enable us to defer projects indefinitely. The longer we delay in addressing these issues, the more conditions will continue to worsen, and the problems will only become more serious and, in the end, cost more.



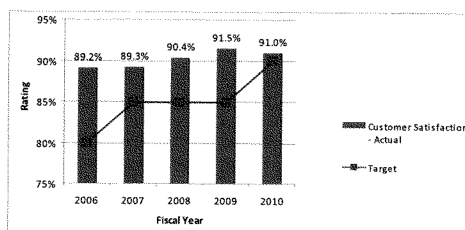
Mr. Chairman, one of the many areas in which our employees excel is in the preservation of our heritage assets. We take great pride in maintaining and conserving the national treasures entrusted to our care, and last year our efforts were recognized with the 2010 Award for Outstanding Commitment to the Preservation and Care of Collections.

Heritage Preservation and the American Institute for Conservation of Historic and Artistic Works presents the award to the organization that has been exemplary in the importance and priority it has given to conservation concerns, and in the sustained commitment it has shown to the preservation and care of cultural property. The AOC was recognized as "a model of exemplary stewardship of the historic collections in its care."

It was a great honor to receive this award because it recognized the efforts of our talented and dedicated staff that work to preserve these irreplaceable treasures, serve Congress, and welcome millions of visitors every year. They take great pride in what they do and they put their unique and special skills to work every day to ensure our U.S. Capitol continues to stand as a powerful and iconic symbol of our government.

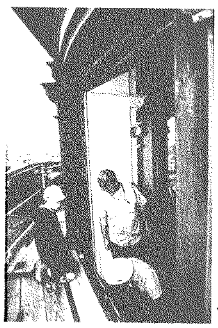
AOC Accomplishments

Average Customer Satisfaction Ratings FY 2006 - 2010



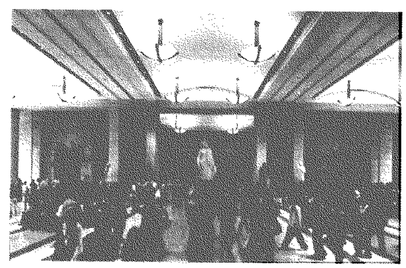
Receiving this award was one of many significant achievements the AOC recorded this past year. As I mentioned earlier, we have implemented comprehensive measures and metrics across the agency that have led to significant improvements. For example, we continued to improve our cost accounting procedures and internal controls, and received our sixth consecutive clean audit opinion from independent auditors on all of our financial statements. In addition, our annual Building Services Customer Satisfaction Surveys for FY 2010 again showed that more than 90 percent of our customers are satisfied with the level of service the AOC is providing them.

Not only do we take care of our customers, we take care of our people. We are committed to being the best in our industry, and we have implemented several programs to recruit and retain the best talent. To further this goal, worker safety remains one of our top priorities, and we have successfully reduced our Injury and Illness Rate by 75 percent since Fiscal Year 2000. We reduced the claims rate of 17.9 injuries per 100 employees in Fiscal Year 2000, to fewer than four injuries per 100 employees in Fiscal Year 2010.



Our talented staff have completed a number of projects this past year in our efforts to maintain and preserve the historic assets entrusted to our care, including painting the Capitol Dome as an interim step to protect and weatherproof the cast-iron structure; repairing and replacing the Thomas Jefferson Building's lantern windows and frames, as well as conserving the Blashfield mural, "Human Understanding," and installing a lift system to provide access to the House rostrum, and allowing, for the first time in the Chamber's history, a Representative in a wheelchair to preside over a House session.

Our employees work tirelessly on the front lines to create a positive first impression of the Congress, the Capitol, and public stewardship. In 2010, the Capitol Visitor Center welcomed its four-millionth visitor. At the U.S. Botanic Garden, more than one million guests enjoyed its amenities and educational programs, including the annual orchid show.



Conclusion

Mr. Chairman, the Architect of the Capitol embodies a commitment to preserving and maintaining the historic fabric of our country, including the U.S. Capitol Building and its iconic Dome that serves as a symbol of our country and our government.

Our Fiscal Year 2012 budget request reflects the seriousness with which we take this commitment. We understand the challenges that an austere fiscal environment presents, and we have developed this budget request in an effort to balance our stewardship responsibilities with fiscal responsibility.

We have been successful in our mission due to the tireless work of our skilled craftsmen and professional staff who maintain and preserve our national treasures. Their efforts ensure that we continue to provide exceptional services to Congress. The full measure of the dedication they display in their jobs may be difficult to measure, but we continuously reap the benefits of their knowledge, skills, and experience. I am very proud to lead this wonderful and dedicated team.

We look forward to continuing to work with this Subcommittee, the Congressional leadership, and our Oversight Committees to address our mutual concerns for conserving the past while planning for the future of the Capitol and the facilities for the Congress and the American people.

I would be happy to answer any questions you might have.

MEETING PRIORITIES

Mr. CRENSHAW. Thank you very much. As I understand it, you have 16½ million square feet of buildings and about 450 acres of land. You have got a lot on your plate. Before the hearing, we had a chance to talk about how you go about setting the priorities in terms of construction and in terms of maintenance. And quite frankly, I was very impressed with the process that you go through to outline it. I think it would be helpful to the subcommittee if you could talk a little bit about how you go about establishing those priorities and the list that you have that almost gives us the opportunity to say these are things we know we need to do and we have got to figure out what we can afford to do and what we cannot afford to do. So can you talk a little bit about that process that you have gone through?

Mr. AYERS. I would be happy to. And, of course, our budget comes in two parts. One is this operational piece that enables us to pay salaries and do the day-to-day work, and then there is the capital, capital with an "a," budget portion, which is construction and renovation projects. So we have got what, we think, is a world class prioritization process in place that is really a tool for the Congress to enable them to make good, informed decisions, need-based decisions on our facilities.

So we look at a number of criteria. First we identify what type of project it is, whether it is ranging from deferred maintenance, meaning something that is broken and now needs to be fixed, through the spectrum to capital construction or construction for a new building. And the thinking there is our algorithm will weigh a deferred maintenance project more than a new construction project because we want to invest dollars in what we have before building new.

Secondly, every project is given an urgency classification from immediate to high, to medium, to low urgency, and these are all done by third party independent consultants to our organization.

And then lastly, every project is evaluated against six preestablished criteria from mission to energy efficiency to regulatory compliance, to historic preservation. So we look at all attributes of a project and give it a numerical score from 1 to 100 based upon this preestablished criteria. And then all of that comes together and, in the end, we produce a list of prioritized projects from 1 to 100, or however many there are in that given year. And then I make a decision of what I think needs to be funded and what I think can be deferred in that given year.

PRIORITY RANKING

Mr. CRENSHAW. So I guess you would say if you have a list, number one is top priority and whatever is at the bottom is less. But if you were to give us a list, you would say these are the ones that I think we can't do, you mentioned a billion and a half dollars of things we can put off. But when you give us a list, you say these are things that I believe that based on my prioritization need to be done this year, then I guess if we were to look at it and say we don't have as much money as we wish we had, we may not be able to do the bottom two or three based on your prioritization. And I'm sure you would always tell us if there are life safety issues involved, and those obviously are high on your priority list. So if you were to look at what you have asked for, the $600-plus million, are there things that maybe toward the end of your list, even though you think they ought to be done now, they should be done now, if they can't be done for another year there is some cutoff in there somewhere? Where do you think we are in terms of what you have asked for if somebody just said we just can't do two or three things, would they be at the end of your list?

Mr. AYERS. Absolutely. This tool, this prioritized list is meant to be a tool to help facilitate good decision making and theoretically, you can just start at the bottom of the list and move upwards if you need to reach a bottom-line. And we recognize that not everything can be funded. Sometimes the committee has a number that they need to reach depending upon what your allocation is from the broader group. So you can start at the bottom of the list and simply move the line up. Also conversely, of course, you can start at the top of the list and move the line downward if the committee allocation happened to be positive that year.

CAPITOL DOME REPAIR

Mr. CRENSHAW. Where do the repairs to the Dome fit? I know that is in the 2011 budget. That is obviously a great symbol of our country. And if it is falling apart, then we ought to make sure that we fix it. Is that on your list or is that last year's list? Or does it stay on that overall list?

Mr. AYERS. It is on last year's list. That was competing for funding in Fiscal Year 2011, the first phase of that. We intend to do it in two phases, the first phase being the most important, which is the lower portion of the Dome or the skirt. That is estimated at about $20 million. The remainder of the Dome, estimated at about $80 million, we think would be in a different fiscal year. It is not competing for 2012 funding. So certainly it would be higher on the priority list because it is our symbol of representative democracy. It will achieve a score, a very high score, likely 100 in historic preservation. And when something reaches 100 in our importance scale, it automatically pushes it to the top of the list.

So we think it needs to be done. There is no question about it. We think it needs to be done now. I know when you stand on the plaza and look at the Dome, it really looks terrific; but when you get up close to it, it literally is rusting apart and falling apart and pieces of ornamentation fall off the Dome, fall down to the roof, poke holes in the copper roof. It really does need some work.

Mr. CRENSHAW. Thank you. Mr. Honda, did you have some questions?

Mr. HONDA. Thank you, Mr. Chairman. It is almost like going from a regular TV set to Blu-Ray, huh?

Mr. AYERS. Yes, sir. When you get up close, you can see all of the detail.

JOINT RESPONSIBILITIES

Mr. HONDA. I think the chairman is correct in that it is the symbol of our country. And let me ask a delicate question. The responsibility for the Dome, that is shared between the two branches, is that correct, the Senate and the House?

Mr. AYERS. Anything that happens in the Capitol Building from an authorizing and appropriating perspective, it is shared jointly between the House and the Senate.

Mr. HONDA. In the current budget, who is carrying the major burden of that? Is that our side or is that being shared or is that an issue that both sides need to sit down and talk about in order to go forward?

Mr. AYERS. Our budget is made up of 10 separate appropriations. If something is in the Capitol Building, it would be in the Capitol Building appropriation, which the Dome is. That appropriation is a joint appropriation shared by the House and the Senate. So both of those entities would have to come to agreement to fund that project.

Mr. HONDA. You are the Architect for both sides?

Mr. AYERS. Correct.

Mr. HONDA. Mr. Chairman, if it is appropriate, maybe we should have some sort of informal meeting with the other side as to looking at the joint plan. And I for one feel the same way, that it is important to move forward, with the full blessing of both sides.

LIFE-SAFETY PRIORITIES

On the Cannon life and safety project, can you explain to us basically what is being funded under that title life and safety project? I know it has stopped and we are doing cosmetics right now, but it should be funds that are expended with the future in mind so that everything builds upon the last step. And how will, the life saving technology that we have been talking about for a few years, how will that fit into the plan?

Mr. AYERS. The specific project that is in our budget request, is our second priority. I think it is $4.2 million. That project has a citation from the Office of Compliance related to it and this estimate and this scope of work abates that citation but does not include the kind of technology we have been speaking of. We believe that kind of technology will be employed in the Cannon Building when we do the Cannon Building renovation project. This effort simply enables us to abate the citation. The citation specifically deals with the unprotected flow of smoke in a building like the Cannon Building that has some open stairways.

So what the project will specifically do would enable us to take the Cannon Building and enclose many of the stairwells—using very sensitive architectural features that enable the exits to be free of smoke to enable people to exit freely and safely out of the building. That is really the scope of that project.

So the technology would come as part of the Cannon Building. Today, our fire alarm systems are zoned systems. So if a smoke detector is activated, it shows up on our fire alarm control panel as a zone. First responders would have to search that zone to find where the issue is.

The current technology is fully addressable fire alarm systems like we have employed in the Capitol Visitor Center that enable you to pinpoint exactly which detector was activated and exactly where that smoke detector is to enable your first responders to respond exactly to the room and the location.

Mr. HONDA. I think that that is important, that there is a central office that is monitoring all that, to be able to communicate that to the first responder in realtime, in two ways or multiple ways. I would be very interested in being continuously informed of how that technology is added and how that would enhance our ability to move people through the building and out safely so that we could avoid areas of obstruction.

Thank you, Mr. Chairman.

Mr. AYERS. I think, if I may, Mr. Honda, similarly we have talked in previous hearings about installing cameras in the stairwells in the House office buildings. That project has been funded by the committee and we are moving out apace. In fact, we installed the infrastructure for some 150 or 160 cameras to enable the Capitol Police to monitor the flow of traffic in the building and the flow of traffic in the stairwells, this would then give them the ability to see if something is backing up and have their floor wardens and others divert people that are evacuating to different stairwells.

Mr. HONDA. Thank you, Mr. Chairman.

ENERGY REDUCTION PROGRAM

Mr. CRENSHAW. Mr. Ayers, we talked some about maintenance and construction. And I know you have done a lot of work on just kind of day-to-day savings, as you mentioned, do a lot of little things and they all add up and become a big thing. I wanted to ask you a couple of questions about overall energy, because when you have got that much square footage, then obviously energy consumption is a big part of your ongoing expense. I know that it has come to light in terms of energy consumption, everybody wants to see that reduced, everybody cares about the environment. But when I look, I see there are two programs that you have that were put in place. I guess one was a statutory and one was more of a directive. But they both seemed to work toward achieving energy reduction goals. One is the Energy Independent and Security Act of 2007 (EISA), and then you have the Green the Capitol Initiative. In terms of efficiency, and streamlining things, could you comment on what are the differences between those two efforts and wouldn't it make more sense to align those together, have kind of a campus wide approach? Can you talk about those two programs and how that might be done more efficiently?

Mr. AYERS. I would be happy to, Mr. Chairman. I do think that there are continued energy savings to be found in our energy reduction program and it saves real money for us. Today there are two independent goals and objectives that we are pursuing. It does cause some confusion and I think there is some overlap in that from a program management as well as a public perception perspective. Of course the EISA goal is the legislative goal that requires us and all of our Federal partners to reduce energy intensity by 3 percent per year for 10 years, for a total of 30 percent reduction over a 2003 baseline. The Green the Capitol Initiative is a completely different effort to achieve a 5 percent reduction per year for 10 years for a total of 50 percent reduction in energy use over a 2006 baseline. The fact that these are two completely independent things that require us and others to track them independently. So having them have one common sort of congressional objective, I think, would enable us and our partners to really manage one program. So there are savings and efficiencies to be gained there by managing one program, managing one set of data and managing one set of priorities.

MEASURING ENERGY PROGRAM RESULTS

Mr. CRENSHAW. Just to figure out how you are doing takes a little time and energy. Right? If I were to ask you how you are doing on one versus how you are doing on the other, is that something you all have to calculate and say we are up to speed on EISA but we are behind on Green the Capitol? Where are we today?

Mr. AYERS. That is exactly right. It does take two completely different sets of data and calculations. The Green the Capitol initiative is for the House buildings. So that takes 31 percent of the Capitol Power Plant and half of the Capitol Building and half of the Capitol Visitor Center and all of the House buildings. So it gets a little complicated.

Mr. CRENSHAW. It is hard to draw a line, this is all House side?

Mr. AYERS. It is difficult to do that. So there are a lot of assumptions that go into those equations. So we have been working at these programs since 2007. That is when EISA came into effect. To date we have met all of our goals under the EISA program and the goal this year was saving 15 percent. So we have met all of the EISA goals. For the last 3 or 4 years, we have met the Green the Capitol initiative goal. And this year we just fell slightly short of the Green the Capitol goal.

Mr. CRENSHAW. But it does make sense. You can see some efficiencies if you streamline that program, more of a consolidated approach campus-wide, as opposed to trying to piecemeal, that is something we will have to decide?

Mr. AYERS. Yes, I do think there are efficiencies to be gained and certainly the Architect has purview of all of the facilities on Capitol Hill in the Legislative Branch. So that also includes the Supreme Court and all of the Library of Congress and Capitol Grounds and the House and the Senate office buildings as well as the Botanic Garden.

CAPITOL POWER PLANT

Mr. CRENSHAW. I know that you have been doing a lot of work in this whole energy consumption area and you were explaining to me earlier when we met, this cogeneration aspect of the Capitol Power Plant. I know that sometimes you can spend a little more money, but in the long run save money and sometimes the Federal Government tends to say let us just put it all in a big pot and then go build it as opposed to leveraging. You mentioned some public-private partnerships, and that is what the private sector does so well, to kind of leverage their dollars. Talk about what you are doing as it relates to the Capitol Power Plant. I think that is something that we need to be aware of and maybe do more of.

Mr. AYERS. Well, I think that the really good question is we have these goals, legislative goals as well as the Green the Capitol initiative goals. How are we going to meet those energy reduction goals? Those kinds of efforts take investment and take money to implement projects to reduce energy. I think we have a couple of options to reach those goals.

One is we have put in place three Energy Savings Performance Contracts to date which bring in private companies, investing their money in our facilities and achieving a certain level of energy reduction. That will get us halfway to the goal.

So how do we get to the rest? We can do more of those energy savings performance contracts or we can come in with budget requests and seek appropriated dollars to do that. But we think if we seek appropriated dollars, there is only so much bandwidth those appropriated dollars are now going to take away from our deferred maintenance backlog that we need to chip away at.

So we think the best opportunity is to bring in private money to do that. We have spent the last year looking at how are we going to achieve these energy reduction goals. We are convinced, as is the National Academy, who has peer reviewed our plan, that cogeneration is the right way to do that. It is the home run. We can completely do it with private financing and it enables us to reach our statutory energy reduction goals in the end. So this cogeneration system enables us to use natural gas to turn a turbine engine to make electricity.That electricity will feed the power plant and the heat generated from making that electricity, this is the co-part, heats our boilers and makes the steam for the Capitol complex. A very efficient way to do it, and this is pretty standard. NIH just did it. GSA just did it. Over at the new Homeland Security Headquarters, they are doing it as well. So it is very common and it is the industry trend these days.

Mr. CRENSHAW. Right. Mr. Honda.

Mr. HONDA. Thank you. I think that was a great line of questioning and we can show that kind of efficiency and savings over a long period of time on paper in terms of crunching the number, right?

Mr. AYERS. Absolutely.

Mr. HONDA. So I think that is something that I would like to see, if the chair doesn't mind, because it is a way of doing our job responsibly on behalf of the rest of our Members. And these things are not partisan issues. This is all about running the Capitol, that it is run correctly.

With that in mind, will the boiler project be able to have us move forward on the EISA objectives and reach our goal as far as what we call greening—but we have a different term that has less emotion to it—but has become more efficient and more compliant? How will we do that? And then if we can, why shouldn't we move forward and try to achieve that 50 percent goal and then go beyond that?

Mr. AYERS. With the cogeneration system, we have modeled that energy savings reduction method and, of course, energy savings equals money savings. That is ultimately what this is after. We have modeled that and we are convinced that cogeneration will enable us to achieve the 30 percent reduction that is statutory from the Energy Independence and Security Act of 2007. And it will almost get us to the 50 percent goal of the Green the Capitol Initiative. We think we will be just a percentage or two below the 50 percent goal, if we are able to implement the cogeneration system. So it does achieve energy savings that are actually far greater than the EISA statutory goals.

Mr. HONDA. You say if we are able to. In your budget, is there a plan recommended to achieve that? And I know it is up to us to make the final decision, but is that in the budget and is that laid out there?

Mr. AYERS. No, Mr. Honda, it actually doesn't show up in our budget. We would do it primarily with private financing. So that would require simply a letter seeking your approval for us to engage in that contract with the private vendor that would use their money to invest. We would pay them back over the course of 10 or 12 years with the energy savings they achieved. That is the great value of these contracts, the energy savings are guaranteed. If the companies don't achieve them, they don't get paid.

Now, the little caveat is that we have to manage and verify the savings. So there is a $2 million request in our 2012 budget multiyear that enables us to hire consultants or staff to manage and watch over these contractors that are doing work on our facilities. So there is a small bit of appropriated dollars, sort of management fees. And then the rest of it is completely private money. And in this particular case, if it is fully financed, we think the payback period is 13 years and 13 years on a piece of equipment that can last 35, 40, 45 years is a really good payback.

GARAGE PROJECTS

Mr. HONDA. Thank you. On the underground garage projects, I understand that we have budgeted the West Garage to be started. So in that light, is the East Garage going to be completed so that those who have been displaced will be able to get back into the garage while the West is being worked on and will the workers be accommodated while we make these shifts in them? Are there adequate funds available to do this plan and complete it? And is there an issue of noncompliance on this project?

Mr. AYERS. Yes, to all of those questions. We do believe that when the East House Underground Garage construction is coming to an end, we will be able to—if the West Garage is funded in 2012, we will be able to start that work right after the East Garage. So we will displace all of the folks in the West Garage over into the East and empty the West Garage and begin the construction work there.

I may have misspoken. Actually I don't think that there is a citation related to the garage work. But it certainly has potential because there is falling and spalling concrete in those garages, and that clearly is a safety hazard that could hurt someone. So I think that is money that is invested to avoid a potential citation from the Office of Compliance.

GARAGE SECURITY

Mr. HONDA. In terms of security, is that part of the planning? I understand that is one of the soft spots that we have in our system in terms of having adequate staff to watch the ingress and egress of folks.

Mr. AYERS. The East and West Garage rehabilitation projects really take care of the structural issues, the delaminating concrete issues there. There is another project in our 2012 request that does focus on improving security matters in the House and Senate garages. So that security issues can be taken care of.

Mr. HONDA. Thank you, Mr. Chairman.

OPERATIONAL BUDGET/STAFFING

Mr. CRENSHAW. Let me ask a couple of questions about the operational side. When I looked at the budget, I think over the last 6 years, the operational side has gone up quite a bit, almost 50 percent. But I think that has got to be due in large part because of the Capitol Visitor Center. You have got I think 150 to 200 employees you didn't have 6 years ago. So when you look at ways to save money, to be more efficient, what are some of the things that you are doing as it relates to all of the people giving tours, giving directions. Is that something you look at? It seems like there is probably a big demand in the Spring for people to take tours. In the Winter there is less demand. How do you manage all these people now? That seems like a new responsibility. When you think of the Architect, you think he is going to design and build things, not manage a lot of people, giving tours and directions, et cetera. So how does that fit into your overall scheme to save money and be more efficient?

Mr. AYERS. There is no question that our scope of responsibilities has significantly grown in the last 4 or 5 years. I reflect back not just on the people side, but we have a brand new facility in Culpeper, Virginia, that is nearly half a million square feet. We have four brand new buildings at Fort Meade. We have two brand new buildings in Manassas, Virginia. All of these have come about in recent years and require money to operate, maintain and improve on an ongoing basis, just like the Capitol Visitor Center, which is half a million square feet of facilities with nearly 250 employees there. So there is no doubt our operational budget has grown. The number of employees that serve in those new buildings and those new efforts has increased over time as well. But I think our staff really did a remarkable job this year. I look at our budget and these two big buckets, our operations money and our project money. On the operations side, I think our increases have been—this year anyway—have been pretty flat versus the project side with a very significant increase because of that backlog of deferred maintenance. And we challenge our staff to look very carefully at that, look very carefully at employees, look very carefully at overtime expenditures. I know in this budget cycle we had additional requests for 12 new employees, new FTEs, and we rejected all of those and felt this was not the right time to request those additions to our staff.

PRIORITIZING MISSION GOALS

Mr. CRENSHAW. You mentioned some of the new responsibilities. Do you ever stop and think are some of the things you are being asked to do, some of the missions we have called upon you to do, is this something that is really the best use of taxpayers' dollars, are these kind of essential things you ought to be doing? Do you have any thoughts about that? It is a hard question to answer because you are supposed to do what you are asked to do and then you come to us and see how much it is going to cost. Do you see anything that maybe as a mission of yours that maybe not as important as it might be as other missions? We are always talking about efficiency and effectiveness, but I don't know that we always ask the question, is this something the government ought to be doing in the first place. Because even if you are doing it efficiently and effectively, if it is something you ought not to be doing, then I am glad you are doing it efficiently, but the broader question is why are we even doing that, why is the Federal Government doing that. So anything that you think of that you don't like, you can tell us and we will ask you to stop doing it.

Mr. AYERS. I would be happy to submit a very long list for the record, Mr. Chairman. [Laughter].

Actually, I do have two thoughts on that. One is we often receive requests from Members and requests from others to do X, Y and Z projects. When we think something is a little out of the norm or maybe we shouldn't be doing that, the first thing that we do is engage with our authorizing and appropriations committees to help us talk through whether we should and shouldn't do various initiatives. We get lots of those kinds of things every year. The committee staff is really helpful for us in terms of being able to say yes or no, "we want to take on this initiative or we don't want to take on this initiative." The leadership and the Committee on House Administration and the Appropriations Subcommittee have really been helpful and I know they will continue to do so.

Secondly, one of the questions we do ask ourselves is how should we do this work. So, for example, we took on this big new project in Culpeper, Virginia, nearly half a million square feet. We asked ourselves, "How should we manage that building?" Should we recruit another 40 or 50 Federal employees and put them down there or have them drive back and forth, or should we bring in a private contractor to do all of that work for us? Ultimately we do a business case analysis. In this particular case we said we need to do this with the private vendor and we put one Federal employee there to manage that whole process. We think that is a much better use of Federal funds. And similarly we have done the same thing, we have one Federal employee managing a contractor that operates and maintains a facility in Culpeper, Virginia, as well as our 100 acres up in Fort Meade, Maryland. So that kind of business model is something we go through as well.

Mr. CRENSHAW. Thank you.

Mr. Honda.

FOB–8

Mr. HONDA. Is it the Ford Building that we are using to place our staffs there, while we are going to be working on the Cannon? Is that plan still going to move forward?

Mr. AYERS. I think you are referring to the FOB–8, the Federal Office Building 8, which is next door to the Ford Building. That is a building that is currently owned by the General Services Administration and they are renovating it. We plan to lease 200,000 square feet, or four floors, of that to enable us to use as swing space as we renovate the Cannon Building in the coming years. That is still our plan to do that.

Mr. HONDA. Earlier I guess I alluded to the idea of we are doing a lot of cosmetology, doing foundation work on our face and putting makeup on it. The building exterior and appointing of the details and the caulking, that is going to require some money. And if we are going to be moving forward with that, are there any problems with the funding for that? Are we on schedule? And can you tell us where we are with that?

Mr. AYERS. As a building manager, our number one enemy in our business is water.

Mr. HONDA. I thought you were going to say it was us.

Mr. AYERS. I would never say that, Mr. Honda.

Mr. HONDA. That is on the list, right?

Mr. AYERS. So water is our enemy and water can cause so many problems for us, whether it is deterioration or whether it is mold growth, which can then affect the work products of the Congress or the priceless collections of the Library of Congress or the beautiful murals painted by Constantino Brumidi. We have to be diligent every single day to make sure our roofs and our walls are watertight. We do have money in our budget—I know in the House this year there is an additional $150,000 for us to hire masons to work to patch the holes in the masonry between the stone blocks and be sure that we keep water out of our buildings on an ongoing basis. With that we think today we are adequately funded in that regard.

Mr. HONDA. I guess that is in line with the chairman's question about the need to have a maintenance program. And this is one of the backlogs of the maintenance programs. And having shared responsibility with the other side, it sounds like we need to still get together on a different variety of projects so that we have shared responsibility in terms of the fiscal responsibilities.

Mr. AYERS. Yes.

CVC TOURS

Mr. HONDA. I think that that probably should be on our list in our discussion with the other House. With the CVC, a lot of other Members have complained—myself included—that the tours were going to be taken over by the guides. And our offices take a lot of pride in being able to guide some of our constituents. It has a lot of benefits to it. So I was wondering if you have any information as to what the impact of that is? And if you need more time, if you want to get that in writing later on, the impact of Member offices guided versus the guided tours, something that we can feed back to our Members so that they know that we are fulfilling that request.

Mr. AYERS. I know we have talked about this quite a bit at hearings and in other venues in that we make our reservation system really flexible for visitors to come and reserve a tour or a ticket for the Capitol Visitor Center. It is really flexible. They can do that with a guided tour or they can do that straight to their Member's office with a staff-led tour. But in the end, we have been open two years now, just over two years with nearly five million visitors in those two years, and our statistics show us that about seven percent of our visitors are staff-led tours for Members and 93 percent are guide-led tours.

Mr. HONDA. Thank you, Mr. Chairman. Actually I haven't heard any complaints for a few months now. It sounds like it is working.

Mr. CRENSHAW. On that point, at one time there was a rule that only the redcoats could give tours, you mentioned only 7 percent are staff led. Was that because they are not supposed to do that or can they do that if they want to? Is there any rule requiring a redcoat to conduct that tour?

Mr. AYERS. No, of course not. There are no rules in that. There are many Member offices that really enjoy giving staff-led tours and it is really an important constituent service for them. So they are fully able to do that and we integrate them into those tours absolutely seamlessly.

Mr. CRENSHAW. I don't have any more questions. Mr. Honda, do you have some more questions?

UTILITY TUNNEL IMPROVEMENT PROGRAM

Mr. HONDA. Just one other. The utility tunnel program, is that on-line and are we going to be okay with that?

Mr. AYERS. Yes, Mr. Honda. We are ahead of schedule and under budget on that project.

Mr. HONDA. Do you want to say that again?

Mr. AYERS. I would love to. We are ahead of schedule and under budget. And our settlement agreement with the Office of Compliance on that issue requires us to be finished by June of 2012. And we are quite confident we are going to beat that date. So that project is going very, very well.

Mr. HONDA. Thank you, Mr. Chairman. I appreciate this sharing of information, and I look forward to a possible meeting in the future with the other House.

Mr. CRENSHAW. I want to join Mr. Honda in just saying thank you. You have your tremendous challenges, and it is encouraging to hear the thought that has gone into how you deal with those in these difficult economic times. That is the purpose of hearings like this, so we can better understand exactly what you are going through because we have got to go through it as well. So thank you for being here today.

The subcommittee is going to be adjourned until 2:00 p.m. on Wednesday, May 11th. At that time, we will hear testimony regarding the Government Printing Office and the Congressional Budget Office, also myself and other Members of the Subcommittee have some questions to be answered for the record.

[The questions and responses follow:]

Fiscal Year 2012 Budget Submission
March 15, 2011, 10:30 AM

Questions for the Record from Chairman Ander Crenshaw
Committee on Appropriations Legislative Branch Subcommittee
U.S. House of Representatives

ENERGY SAVINGS PERFORMANCE CONTRACTS (ESPC)

Question. The Architect entered into three Energy Savings Performance Contracts (the House, the Senate, and the Capitol). How much will the Energy Savings Performance Contracts projects contribute to achieving the AOC's statutory energy requirements?

Response. Energy Savings Performance Contracts are a key component in the AOC's strategy to achieve the Energy Independence and Security Act of 2007 and Green the Capitol Initiative energy reduction targets for the Capitol campus. Current estimates forecast that the Energy Savings Performance Contracts will contribute approximately 14 percent toward achieving the Energy Independence and Security Act requirement of reducing campus-wide energy consumption 30 percent by 2020. The AOC further estimates that the Energy Savings Performance Contracts will contribute 17 percent toward achieving the Green the Capitol Initiative goal of reducing energy consumption in the House of Representatives by 50 percent by 2017.

Specifically, after implementation of all energy conservation measures over the 30-month construction period, the House Office Buildings are estimated to potentially realize a 23 percent reduction in total energy consumption, and approximately $3.3 million in annual energy savings. In the Capitol Building, after implementation of all energy conservation measures over the 27-month construction period, we will potentially realize a 38 percent reduction in total energy consumption, and approximately $2.2 million in annual energy savings. After implementation of all energy conservation measures over the 36-month construction period, the Senate Office Buildings are estimated to potentially realize a 36 percent reduction in total energy consumption, and approximately $3.9 million in annual energy savings.

The savings attributed to Energy Savings Performance Contracts' projects began to accrue in Fiscal Year 2011 and will increase in Fiscal Year 2012 as projects are commissioned and completed. Full realization of Energy Savings Performance Contracts' energy savings will occur in Fiscal Year 2013 with the completion of all current Energy Savings Performance Contracts' projects, which will continue to provide energy savings.

Question. Are these contracts going to be the primary vehicle for achieving the targets, or a portion of the solution, in addition to projects funded with upfront appropriations?

Response. The Energy Savings Performance Contracts initiated in the House and Senate Office Buildings and the Capitol Building are very effective methods to achieve mandated energy targets. As discussed above, the AOC anticipates that the Energy Savings Performance Contracts will contribute approximately 14 percent toward achieving the Energy Independence and Security Act energy reduction requirement, and 17 percent toward achieving the Green the Capitol Initiative goal. In addition, to further reduce energy consumption, the AOC has taken advantage of other no-cost/low-cost energy saving initiatives such as installing Compact Fluorescent Lamps (CFLs), occupancy sensors, smart power strips, and implementing other energy conservation methods. Other examples are installing solar panels in a parking lot to power new security lights; installing low-flow fixtures and automatic faucets in restrooms; converting from pneumatic to direct digital controls to maximize energy usage efficiency, and installing meters campus-wide. The AOC also works to incorporate sustainable and energy reduction strategies into all projects if analysis shows that the payback periods are reasonable.

Because the Capitol Power Plant plays a critical role in the AOC's long-term energy conservation strategy, significant investment is needed to replace aging infrastructure and to install new, energy-efficient equipment.

To do this in a cost-effective manner, after careful review of several technologies that can further improve efficiencies and an independent, third-party analysis, the AOC is planning to incorporate the use of cogeneration at the Capitol Power Plant to generate on-site power. Cogeneration is the use of a combustion turbine in order to generate both useful heat and electricity. It is anticipated that the equipment would generate enough electricity to operate the Capitol Power Plant, and the use of the heat generated from this operation would produce enough steam to reduce reliance on the existing boilers. This would increase system reliability and the increased efficiency would help save money. The proposed cogeneration system also would significantly reduce emissions while providing a reliable source of electricity to the Capitol Power Plant and steam for heating Congressional facilities.

To fund the cogeneration project, the AOC is proposing the use of a Utility Energy Services Contract to finance construction of the cogeneration plant. This public-private partnership leverages private funding allowing the AOC to initiate design and execute construction in a timelier manner, and allow the AOC to use limited appropriated funds for other priorities, such as deferred maintenance or life-safety projects. The cogeneration project would require some limited appropriated funds. These contracts must be managed, and the projects require independent commissioning, measurement and validation.

Together, the AOC's low-cost efforts, plus the Energy Savings Performance Contracts and the Utility Energy Service Contracts will help the AOC and Congress meet the statutory energy reduction requirements by 2020. If the cogeneration plant is not online within the next few years, it is projected that the EISA 2007 goal will not be met.

Question. What are the benefits of Energy Savings Performance Contracts?

Response. To reduce reliance on direct appropriations, the AOC is using privately-financed, public-private partnerships, known as Energy Savings Performance Contracts, to fund project work that needs to be completed to conserve resources, reduce energy consumption, and save money.

The House Office Buildings' Energy Savings Performance Contract was awarded in July 2009. Through implementation of the associated energy conservation measures, the House Office Buildings are expected to reduce energy consumption by approximately 23 percent over the 2003 Energy Independence and Security Act baseline, which translates to 5.4 percent toward the Energy Independence and Security Act goal for the AOC and Congress as a whole. In addition, the House ESPC is expected to generate approximately $3.3 million in annual energy savings. Similarly, the Senate Office Buildings are expected to reduce energy consumption by 36 percent, and produce approximately $3.9 million in annual energy savings. The Capitol Building ESPC projects are expected to reduce energy consumption by approximately 30 percent and generate approximately

$2.2 million in annual energy savings. All told, these efforts completed with the private investment of the ESPCs will yield an overall energy reduction of 17.4 percent for the Congress.

Through Energy Savings Performance Contracts, the AOC is able to implement energy savings and smart technologies without using appropriated funds such as:

- Pneumatic to digital control conversion for major air handling units
- Wireless space condition feedback technology
- Demand ventilation control
- Daylight harvesting
- Occupancy sensors and bi-level lighting controls
- Night time/weekend control setbacks for lighting and space conditioning
- Condensate harvesting
- Low flow, automated plumbing fixtures
- Transformer replacements for increased electrical efficiency

In addition, the ESPCs allow the AOC to evaluate emergent technologies through small demonstration projects using private investments, such as

- Vegetated/Green roofs in the Cannon House Office Building courtyard
- Solar fiber optic lighting
- Duct sealing

Through Energy Savings Performance Contracts, the AOC is making significant upgrades to its infrastructure with minimal up-front capital investment. Once complete, an additional benefit will come from the annual maintenance and verification process in which the contractor guaranteeing the savings will perform inspections to review the energy conservation improvements.

Question. How do Energy Savings Performance Contracts assure a good deal for the government?

Response. As with all its projects, the AOC examines the details of the proposed ESPC projects and performs a payback assessment prior to undertaking any energy projects. The AOC identifies and prioritizes its energy projects based on the following criteria: energy reductions, simple payback, savings-to-investment ratio, and lifecycle costs. If substantial savings will not be realized through the implementation of a proposed project, the AOC will not authorize that project. Only the initiatives that are most beneficial to the Congress and are the best value for the government are approved to go forward.

In addition, by statute, the savings from Energy Savings Performance Contracts must be guaranteed by the Energy Service Company, and exceed payments in each year of the contract. The safeguard on the guarantee is that the Energy Service Companies must conduct measurement and verification of the savings in compliance with Department of Energy's Federal Energy Management Program application of the International Performance Measurement and Verification Protocol. This requires that, at minimum, the key parameter in any energy and water conservation measure is measured (and not stipulated based on the Energy Service Company's claims) before and after installation. This measurement and validation process provides an annual outside analysis of the systems to ensure the AOC is operating and maintaining them properly to maximize energy savings.

In addition, because these projects are fully financed by the Energy Service Companies, the AOC is able to use limited appropriated funds for other priorities, such as deferred maintenance or life-safety projects.

GREEN THE CAPITOL OFFICE UNDER THE HOUSE CHIEF ADMINISTRATIVE OFFICER

Question. Please explain the division of responsibility between the Green the Capitol Operations under the House CAO and the Architect of the Capitol.

Response. The Green the Capitol Initiative is comprised of 153 project-level initiatives developed by the former Chief Administrative Officer that serve to achieve the Initiative's main objectives. These objectives are to increase the carbon neutrality of the House of Representatives operations by cutting energy consumption by 50 percent by 2017, and to make the operations of the U.S. House of Representatives a model of sustainability.

As facility managers for the Congress, whose staff includes experts in energy management, the AOC is the responsible party for 106 of these 153 initiatives. The Chief Administrative Officer's Green the Capitol Initiative staff is responsible for the remainder of these initiatives, focusing on educating Congressional staff about various sustainability practices they can implement and practice on the Capitol campus. The AOC meets with the Chief Administrative Officer's Green the Capitol Initiative staff on a biweekly basis to review each organization's progress.

Our in-house staff includes experts in historic preservation, security, plant operations, and efficient and sustainable building management. Because of the experience and expertise these staff bring to the organization, the AOC is well positioned to be the sustainability leader for the Capitol campus. We regularly analyze, develop, design and execute sustainability and energy saving initiatives as part of our daily mission. In our facility management role, we have initiated a number of energy reduction efforts to reduce energy in the House Office Buildings and across the campus. To date, the AOC has accomplished much with minimal direct appropriations.

Prior to initiation of the Green the Capitol Initiative program, the AOC reduced energy consumption by 15 percent in the House Office Buildings in Fiscal Year 2006. Since then, the AOC has initiated the House Office Building Energy Savings Performance Contracts, HVAC schedule changes, the Compact Fluorescent Lamps (CFL) lighting program, and other energy saving efforts. These combined efforts have reduced energy consumption in the House Office Buildings by more than 20 percent, as compared to Fiscal Year 2003. When completed, the House Energy Savings Performance Contract projects also will contribute 5.4 percent energy savings toward meeting the Energy Independence Security Act goals.

The AOC is also initiating the Cogeneration project in the Capitol Power Plant, which upon completion, is projected to reduce campus-wide energy by more than 20 percent, contributing significantly toward reaching the Green the Capitol Initiative energy reduction goal for 2017.

ENERGY SAVINGS

Question. Are you saving energy and has the AOC met its energy reduction goal for fiscal year 2010?

Response. Yes, the AOC is saving energy. Prior to initiation of the Green the Capitol Initiative program, the AOC reduced energy consumption by 15 percent in the House Office Buildings in Fiscal Year 2006. Since then, combined efforts have reduced energy consumption in the House Office Buildings by more than 20 percent, as compared to Fiscal Year 2003. The AOC has also initiated Energy Savings Performance Contracts in the Senate Office Buildings (projected to reduce total energy consumption by six percent upon completion) and in the Capitol Building (projected to reduce total energy consumption by four percent upon completion).

The Energy Independent Security Act mandated a 15 percent savings by Fiscal Year 2010 over a Fiscal Year 2003 baseline. The AOC exceeded this performance target, achieving a 17 percent energy reduction. The Green the Capitol Initiative's target goal for Fiscal Year 2010 was 15 percent savings over a Fiscal Year 2006 baseline. The AOC achieved a 13 percent energy reduction, narrowly missing the Green the Capitol Initiative goal.

HOUSE OFFICE BUILDINGS
WEST UNDERGROUND GARAGE $24,000,000

Question. The budget request includes $24 million for the interior rehabilitation of the House West Underground Garage. Work is currently ongoing to the East Underground Garage. What is the status of that rehabilitation and when do you anticipate completion? What are the risks involved if the West Underground Garage rehabilitation did not go forward?

Response. Construction on the East Underground Garage began in January 2011. Hydro-demolition, placement of new concrete, and other concrete repairs are currently underway. Work is on schedule for completion in January 2012.

The West House Underground Garage requires a major rehabilitation to ensure a safe and operational structure. The aging facility will continue to deteriorate and may become impossible to maintain for safe use. Further deterioration of the concrete floor slabs, containing extremely high chloride levels, will continue to cause the corrosion of the embedded reinforcing steel, spalling and delamination of the concrete in the slabs, and will necessitate total slab replacement. If funds are appropriated, the start of construction of the West House Underground Garage will be coordinated with the start of the 113th Congress.

HOUSE OFFICE BUILDINGS
FEDERAL OFFICE BUILDING 8 (FOB 8) $26,102,000

Question. The budget request includes $26 million for the build out of four floors of FOB8 for House use. This is in addition to $27,839,000 previously provided and brings the total "move in" costs to $53,941,000. What is the status of the construction of FOB8?
What is the date for occupancy?
When do you anticipate executing a lease for this space?
What are the anticipated yearly lease costs?

Not included in this cost is the reconfiguration of current House space to meet member office needs. Have any plans, or estimates, been established for this?

Response. Details are provided below.

What is the status of the construction of FOB8?

The General Services Administration is funding the base building renovation and an allowance for tenant work. The balance of tenant work, which includes base building upgrades, tenant interiors, and tenant fit-out (furnishing, fixtures and equipment), is funded within the House Office Buildings appropriation. Security is included in all aspects of the work funded within the House Office Buildings appropriation. The base building renovation is approximately 27 percent complete, and the tenant interiors are approximately six percent complete.

What is the date for occupancy?
The General Services Administration's schedule indicates completion in late 2012/early 2013. The AOC is working with the General Services Administration to develop an occupancy timetable.

When do you anticipate executing a lease for this space?
We are currently determining the terms of the occupancy agreement with the General Services Administration and anticipate execution in the upcoming months, upon Congressional approval.

What are the anticipated yearly lease costs?
The General Services Administration estimates $13 million per year, plus the cost of other items such as security and off-hour utilities.

Not included in this cost is the reconfiguration of current House space to meet member office needs. Have any plans, or estimates, been established for this?
Locations and cost estimates for these reconfigured spaces are scheduled to be completed in December 2011. The build-out plans for the spaces will be prepared during design and construction documentation from 2012 to 2014. Updated cost estimates will be provided at that time.

CAPITOL BUILDING
PRESIDENTIAL INAUGURAL STANDS & SUPPORT FACILITIES $4,263,000

Question. The Fiscal Year 2012 request includes $4,263,000 for the Inaugural Stands and Support Facilities. What all is involved to accomplish this project?

Response. The project includes constructing the main Inaugural platform; providing a sound system that is tied to the media outlets and an independent system consisting of loudspeakers and microphones; and installing the media stands at the south and north sections of the platform, the central camera tower, and media scaffolding on the East Front plaza. It also includes installing ramps and crossovers to allow for pedestrian and handicap accessibility to the various seating areas on the West Front grounds. For security, the project includes installing required security and crowd control fences; installing magnetometers for security screening; and obtaining temporary trailers for the Capitol Police, and required security screening, as well as the Attending Physician. The project also funds the procurement of amenities for the ceremony guests including portable toilet facilities; bleachers for the upper West Terrace level; the rental and deployment of over 30,000 chairs; and installing bunting and flags; banner bridges and event markers. In addition, it funds the purchase of other incidental materials and equipment in support of the Presidential heating system and the temporary electrical connections. On the Capitol Grounds, the project provides mulch and snow removal equipment and supplies.

The funds are requested one fiscal year ahead of the January 2013 event due to the need to fund and procure construction services prior to the end of Fiscal Year 2012. The procurement of the Inaugural stands must begin by October 2011 (Fiscal Year 2012) to ensure award of the construction contract by June 2012. On-site construction work must start in September 2012. Similarly, the sound system contract must be awarded by July 2012. Other contractual actions must occur throughout Fiscal Year 2012 to prepare the site, facilities and systems in time for the January 20, 2013 Inaugural ceremony.

POWER PLANT COLLECTIONS

Question: The Capitol Power Plant is authorized $8 million in reimbursement for services provided to other entities such as the Supreme Court, the Government Printing Office, and others. When were these rates last evaluated? And if so, when do the next rates go into effect?

Response: The AOC evaluates the rates annually. The rates include components of operations and capital improvement projects since these elements are necessary to deliver the utility services. The AOC meets with each customer to discuss the rate, and then follows up with a formal notification letter. Prior to the rate change in Fiscal Year 2011, the AOC sent notification letters to each customer in May 2010. The AOC follows a similar schedule each year.

The Fiscal Year 2011 rates are in effect until October 1, 2011. Following the procedures discussed above, the AOC will evaluate rates and provide customers with changes for Fiscal Year 2012 in spring 2011.

Question: Please provide a list of each entity that uses the Power Plant and how much they reimburse annually?

Response: The amount collected per customer varies from year to year, depending on the level of services required. For Fiscal Year 2010, the AOC collected the following reimbursements:

1. Folger Shakespeare Library - $668,062.27
2. Postal Square Building - $319,358.50
3. Government Printing Office - $4,336,571.40
4. Union Station - $1,308,466.34
5. Thurgood Marshall Federal Judicial Building - $1,673,100.12
6. Supreme Court - $694,528.00

In Fiscal Year 2010, the AOC collected a total of $9,000,086.63 in utility reimbursements from external customers, including other government customers and public-private customers. By statute, the AOC currently is allowed to accept up to $8,000,000.00 per year in reimbursable utilities therefore, the AOC returned $1,000,086.63 to the U.S. Treasury in Fiscal Year 2010. The amounts billed to external customers vary from year to year, and the AOC continues to assess whether a change in the reimbursable amount should be recommended for Congressional consideration.

Fiscal Year 2012 Budget Submission
March 15, 2011, 10:30 AM

Questions for the Record from Ranking Member Michael M. Honda
Committee on Appropriations Legislative Branch Subcommittee
U.S. House of Representatives

CANNON OFFICE BUILDING RENEWAL

Question. As the AOC budget request, the Cannon House Office Building is the oldest of the House Office Buildings and is over 100 years old. This Subcommittee knows that it has significant challenges in funding the needed upgrades. Does AOC have an estimated cost and start time for this project?

Response. The current plan is to phase construction, which may begin in 2016, and continue through 2022. To prepare for construction, the Program of Requirements is now underway. We plan to complete design and construction documents between 2012 to 2014. We estimate that we will begin relocating offices to leased space and temporary suites from 2013 to 2015, and we anticipate construction could begin in 2016.

The current estimate of $752.7 million for the project is based on a 2009 Facility Study Revalidation, Facility Condition Assessments, building infrastructure studies, and other internal cost assessments concerning specific project requirements. These requirements include replacing systems; installing modern life-safety and accessibility features; additional security requirements; stewardship responsibilities; hazardous material abatement; accommodations for modern technology; telecommunications modernization; energy efficiency upgrades; the build-out of temporary suites; and implementation and support costs.

As these assessments are studied and refined, and after the Program of Requirements is completed, the cost estimate will be updated in 2012 to reflect the necessary requirements.

Question. Is the current estimate a result of the Cannon renewal study funded as part of the Historic Buildings Trust Fund?

Response. No, the current project cost estimate is based on a Cannon Facility Study Revalidation completed in 2009. A portion of the House Historic Buildings Revitalization Trust Fund is funding the Program of Requirements, which will provide an updated project cost estimate in 2012.

Question. Was the entire $5 million used on the study?

Response. No. The $5 million from the House Historic Buildings Revitalization Trust Fund (as approved by Congress for obligation) is now being used for both the Program of Requirements and associated support for the Cannon House Office Building Renewal project.

Question. How will the House Historic Buildings Trust Fund, which is requested at $50 million in the budget, impact AOC's ability to do this major renovation?

Response. Currently, the House Historic Buildings Revitalization Trust Fund is funding the development of the Program of Requirements and associated support ($5 million) for the Cannon House Office Building Renewal project. The AOC plans to use the House Historic Buildings Revitalization Trust Fund appropriated funding balance of $45 million for design, construction documentation, and associated support for the Cannon Renewal project following Congressional approval. Any future appropriation of dollars to the House Historic Buildings Revitalization Trust Fund will help fund the construction of the Cannon House Office Building Renewal project.

Question. What lessons, if any, can be learned from the Old Executive Office Building restoration?

Response. A key lesson learned from the Old Executive Office Building restoration is that a whole building renewal is an efficient and effective approach. Other lessons learned include: benefit of early construction contractor involvement; importance of site investigation during design to minimize conditions that impact schedule and budget during construction; the criticality of coordinating security measures and building egress during construction; consideration of the hours of construction and monitoring noise producing activities in order to minimize disruption of building occupants; planning the transitions between phases to ensure that occupants are moved back to the space as quickly and efficiently as possible; and the development of a rigorous internal communications plan so occupants are made aware of construction impacts on a timely basis.

COMPLIANCE ISSUES

Question. AOC's budget request is driven by many factors, including citations by the Office of Compliance for life-safety problems in the buildings across the Capitol complex. How much of the AOC budget request is to deal with citations or ward off citations?

Response. In the AOC Fiscal Year 2012 budget request, we included $38.37 million in life-safety projects. We have also included approximately $12.5 million in infrastructure projects that have a life-safety and/or citation component. Of the total $50.88 million requested for life-safety and life-safety-related projects, $44.06 million is citation related.

The life-safety projects are:

Tunnel Program	$17,406
Alternate Life Safety Approach, RSOB	$5,000
Alternate Life Safety Approach, CHOB	$4,229
Sprinkler System, West Main Pavilion, 1st Floor, TJB	$4,100
Egress improvements, LOC	$1,126
Fire Alarm System Replacement, HQ, USCP	$2,473
Fall Protection, TJB	$4,034
Subtotal	$38,368

The infrastructure projects that include safety components are:

Garage Structural Repairs, Entry Improvements & Generator Replacement, JAB	$12,200
East & West Pavilion Copper Roof & Fall Protection Replacement Study, TJB	$309
Subtotal	$12,509
Total	$50,877

RECYCLING IN THE CAPITOL COMPLEX

Question. Does AOC have the lead in recycling on the House side?

Response. Yes, the AOC performs the majority of recycling duties on the House side of Capitol Hill and works closely with House leadership and committees on the recycling program. The AOC continues to maintain a robust recycling program. Over the past three years, several new recycling initiatives have been implemented in the House. These included new programs to recycle construction and demolition waste, compact discs, DVDs, and DVD cases, polystyrene, and low-density polyethylene shrink-wrap. The AOC also performed a large, one-time recycling of porcelain materials generated during work performed under an Energy Savings Performance Contract in Fiscal Year 2010. In part due to these efforts, the total amount of waste recycled through the House program has increased from 1,874 tons in Fiscal Year 2007 to 2,547 tons in Fiscal Year 2010.

Question. Does AOC coordinate with the House Chief Administrative Officer in recycling efforts on the House side?

Response. Yes, the AOC coordinates with the Chief Administrative Officer of the House of Representatives regarding recycling efforts, and vice versa. For example, in January 2011, the Committee on House Administration suspended the House food composting program. This was an operation overseen by the House Chief Administrative Officer. The AOC's role in the composting operation included collection of compostable materials from hundreds of offices, and maintaining the equipment used in the composting process. Following the suspension of the program, the AOC is in the process of removing containers used to collect compostable materials from House Member and staff offices.

SENATE RECEPTION ROOM

Question. Based on comity between the two Houses of Congress, the House does not consider Senate projects and vice versa. However, the Senate Reception Room work requested in the budget at $1.3 million is requested under General Administration, a joint account. Why?

Response. The AOC has been working to restore this historic room in the Capitol Building for since the mid-1990s.

The Senate Reception Room is a highly historic and iconic space. The designs for the room were created by Constantino Brumidi in the 1850s and, over the years, have been marred by overpainting, which has made the colors much darker and heavier than the original work of art. In addition, coatings applied to the murals and decorative surfaces have turned brown.

Several studies have been conducted to determine the best methods to move forward to restore the gilding and decorative painting. In 2010, a pilot program to survey the plaster in the lunettes and determine the best method to restore the walls was initiated. Based on information from the pilot program, further testing and conservation is planned to complete the preservation work over the next several years. The prior conservation, studies, and the pilot program were funded within the Capitol Building appropriation at that time. The AOC Curator has overseen this work and, to better align with the AOC's organizational structure, in our Fiscal Year 2012 budget request, the Curator Services Program Group has been transferred from the Capitol Building appropriation to the General Administration appropriation where our Cultural Resources Program resides and is funded. Conservation of these invaluable works will ensure they endure as part of the iconic Capitol Building, thus the AOC has requested Fiscal Year 2012 funds to continue the conservation efforts.

2011 AND 2012 PROJECTS

Question. Please provide a combined integrated prioritization list for AOC's Fiscal Year 2011 and Fiscal Year 2012 requested projects.

Response. The information follows.

COMBINED FY 2011 FY 2012 POTENTIAL STUDY, DESIGN, AND CONSTRUCTION FUNDING REQUESTS
March 24, 2011

Priority Order	Project No.	Title	Appropriation	Cost Type	Project Cost ($$)	Running Total ($$)	OCR	Urgency
FY 11	PP09009	Tunnel Program, CPP	CPP	PMD	6,950,000	$6,950,000	A1	IMMED
FY 12	PP10013	Tunnel Program, CPP	CPP	PMD	$17,406,000	$24,356,000	A1	IMMED
FY 11	970269GA	Compartment Barriers & Horizontal Exits, Phase I, USC	CB	PCC	2,027,000	$26,383,000	A1	IMMED
FY 12	HB05043A	Alternate Life Safety Approach, CHOB	HOB	PCC	$4,229,000	$30,612,000	A1	IMMED
FY 12	SB05037A	Alternate Life Safety Approach, Phase I, RSOB	SOB	ROM	$5,000,000	$35,612,000	A1	IMMED
FY 12	LC05012	Sprinkler System, West Main Pavilion, 1st Floor, TJB	LB&G	PCC	$4,100,000	$39,712,000	A1	IMMED
FY 12	LC05023	Egress Improvements, LOC	LB&G	PCC	$1,126,000	$40,838,000	A1	IMMED
FY 11	010016C	North Exit Stair B, TJB	LB&G	CCE	5,350,000	$46,188,000	A1	IMMED
FY 12	000143	Garage Structural Repairs, Entry Improvements & Generator Replacement, Phase I, JAB	LB&G	PCC	$12,200,000	$58,388,000	A1	IMMED
FY 12	CP10006	Garage Security Infrastructure, Phase I, SOB & HOB	CPBG&S	PDBC	$6,598,000	$64,986,000	A2	IMMED
FY 11	HB09037	Garage Concrete Replacement, RHOB	HOB	PDC	1,059,000	$66,045,000	A3	IMMED
FY 12	970290A	Secured Storage Facilities, Phase III, Basement, JMMB	LB&G	PCC	$2,045,000	$68,090,000	A3	IMMED
FY 12	960043	Offsite Delivery Screening Center, Phase I, CPBG&S	CPBG&S	PSC	$700,000	$68,790,000	A3	IMMED
FY 12	PP08001C	WRP Chiller System Replacement, RPR, CPP	CPP	PDC	$6,000,000	$74,790,000	A3	IMMED
FY 12	PP08001A	East Plant Chiller Relocation, RPR, CPP	CPP	BM	$16,411,000	$91,201,000	A3	IMMED
FY 12	CB05022	Presidential Inaugural Stands & Support Facilities	CB	J	$4,263,000	$95,464,000	A3	IMMED
FY 11	900265N	Dome Rehabilitation, Phase IC, Skirt Rehabilitation, USC	CB	CCE	19,999,000	$115,463,000	A4	IMMED

COMBINED FY 2011 FY 2012 POTENTIAL STUDY, DESIGN, AND CONSTRUCTION FUNDING REQUESTS
March 24, 2011

Priority Order	Project No.	Title	Appropriation	Cost Type	Project Cost ($$)	Running Total ($$)	OCR	Urgency
FY 12	CB10033	Brumidi Corridors Restoration & Conservation Plan, USC	CB	CM	$6,703,000	$122,166,000	**A4**	IMMED
FY 11	AC09003	Campus Utility Metering (Remaining Buildings), CPP	CPP	DS	1,200,000	$123,366,000	**A5**	IMMED
FY 11	HB09052	Building Automation System Upgrade, HOB	HOB	CM	1,096,000	$124,462,000	**A5**	IMMED
FY 12	000149	Power Distribution System Replacement , Vault C, FHOB	HOB	PCC	$3,957,000	$128,419,000	**A6**	IMMED
FY 12	030264	East & West Pavilion Copper Roof & Fall Protection Replacement, TJB	LB&G	PDC	$309,000	$128,728,000	**A6**	IMMED
FY 11	950042F	Infrastructure Improvements, Center Wing, Phase II, DSOB	SOB	PCC	9,974,000	$138,702,000	**A6**	IMMED
FY 12	980024	Skylight Replacement, HSOB	SOB	CM	$8,991,000	$147,693,000	**A6**	IMMED
FY 12	950042G	Infrastructure Improvements, Phase III, North Wing, DSOB	SOB	PCC	$6,128,000	$153,821,000	**A6**	IMMED
FY 12	970280	Interior Rehabilitation, West Underground Garage, HOB	HOB	PMD	$24,000,000	$177,821,000	**A6**	IMMED
FY 11	970386D	Bartholdi Park Restoration, NW Fountain, Phase IV, BG	BG	PCC	1,209,000	$179,030,000	**A6**	IMMED
FY 12	030315	Air Handling Unit Replacement, Decks A & B and Hazardous Material Abatement, Decks B, C, & D, TJB	LB&G	PCC	$3,722,000	$182,752,000	**A6**	IMMED
FY 11	990347B	480V Switchgear & Transformer Replacement, Phase II, RHOB	HOB	PCC	4,340,000	$187,092,000	**A7**	IMMED
FY 12	990347C	480V Switchgear & Transformer Replacement, Phase III, RHOB	HOB	PCC	$3,055,000	$190,147,000	**A7**	IMMED
FY 11	CB07029	Air Handling Unit & Fan Replacements, Phase I, USC	CB	PMD	8,600,000	$198,747,000	**A7**	IMMED
FY 12	040159	Fire Alarm System Replacement, HQ, USCP	CPBG&S	PCC	$2,473,000	$201,220,000	**A7**	IMMED
FY 11	970704N	Fall Protection, FHOB & LHOB	HOB	CCE	5,209,000	$206,429,000	**A7**	IMMED
FY 11	970704O	Fall Protection, CPP	CPP	CCE	2,950,000	$209,379,000	**A7**	IMMED

COMBINED FY 2011 FY 2012 POTENTIAL STUDY, DESIGN, AND CONSTRUCTION FUNDING REQUESTS
March 24, 2011

Priority Order	Project No.	Title	Appropriation	Cost Type	Project Cost ($$)	Running Total ($$)	OCR	Urgency
FY 11	970704S	Fall Protection, BG	BG	CCE	296,000	$209,675,000	**A7**	IMMED
FY 12	970704X	Fall Protection, TJB	LB&G	CCE	$4,034,000	$213,709,000	**A7**	IMMED
FY 12	CG08004	Stormwater Management Study, Phase III & IV, CG	CG	PSC	$732,000	$214,441,000	**A8**	IMMED
FY 12	HB05042	Federal Office Building 8 Refurbishment, HOB	HOB	PMD	$26,102,000	$240,543,000	**A8**	IMMED
FY 11	000036B	Emergency Lighting System Upgrade, JMMB & SSFC	LB&G	PCC	4,794,000	$245,337,000	**A8**	IMMED
FY 11	HB09039	Energy Audit Implementation, HOB	HOB	CM	989,000	$246,326,000	**A8**	IMMED
FY 12	030167	Collection Storage Module 5, Phase I, LOC	LB&G	CM	$8,884,000	$255,210,000	**B1**	HIGH

Fiscal Year 2012 Budget Submission
March 15, 2011, 10:30 AM

Questions for the Record from Representative Jo Ann Emerson
Committee on Appropriations Legislative Branch Subcommittee
U.S. House of Representatives

GREEN THE CAPITOL INITIATIVE

Question. Mr. Ayers, has the AOC, as a component of the Greening of the Capitol initiative, undertaken steps to reduce the carbon footprint of the facilities in the Capitol complex? Can you provide a list of those activities and the increases or decreases in their cost to the facility, such as energy savings or more costly cleaning projects?

Response. As stewards and facility managers of Congressional buildings and grounds, the Architect of the Capitol's (AOC's) mission is primarily focused on resource conservation and energy savings. These goals also are included in the Greening of the Capitol Initiative. Many of the projects and programs the AOC has developed, initiated, or completed over the past several years are included in the routine maintenance and upgrades planned and carried out by the agency to ensure Congress can conduct its business.

The AOC has implemented several projects or programs that have saved energy and have reduced the carbon footprint of the House buildings and Capitol. These efforts include adding alternative-fuel vehicles into the AOC fleet. Currently, the AOC has 60 alternative-fuel vehicles, which is more than a 30 percent increase in bio-fueled, electric, and hybrid vehicles over 2010. The AOC also is using B20 blend biodiesel fuel in its shuttle buses that service Capitol Hill. Switching to biodiesel, according to the American Lung Association of the District of Columbia, helps to improve air quality in the Washington metro area, reduces emissions, including carbon monoxide, particulate matter and unburned hydrocarbons. Also, the Capitol Power Plant began operating using natural gas as its primary fuel source, and 120 million kWh of clean, renewable wind-generated electricity were purchased for the Capitol campus in 2009, and 350,000 MWH were purchased in 2010.

In addition, AOC employees are doing their part to save energy and reduce the carbon footprint by using mass transit and Flexible Work Schedule programs. More than 35 percent of AOC employees use public transportation to commute to work. More than 930 employees participate in the Flexible Work Schedule program, and over 125 employees are enrolled in the AOC's Telework Program.

The AOC also utilizes green cleaning supplies and low volatile organic compound paint, which are not only more environmentally friendly; they are safer for our employees to use. To round out these efforts, the AOC has installed a rain garden at the U.S. Botanic Garden. In addition, as a demonstration project, the AOC is installing green roofs on five of the mechanical structures atop the Cannon House Office Building's courtyard parking garage. These roofs help to control runoff of storm water, provide added insulation to the spaces below, and improve the view from Members' offices into the courtyard below.

With regard to energy savings, the AOC has seen significant results. Prior to initiation of the Green the Capitol Initiative program, the AOC reduced energy consumption by 15 percent in the House Office Buildings in Fiscal Year 2006. Since then, the AOC has initiated the House Office Building

Energy Savings Performance Contract, HVAC schedule changes, the Compact Fluorescent Lamp (CFL) lighting program, and other initiatives. These combined efforts have reduced energy consumption in the House Office Buildings by more than 20 percent, as compared to Fiscal Year 2003. When complete, the House Energy Savings Performance Contract is projected to reduce energy consumption across the Capitol by 5.4 percent.

Although the Energy Savings Performance Contracts are financed predominantly via energy savings generated by projects put in place by the contractors, the AOC does manage the projects and contract for measurement and validation using appropriated funds. Other programs such as recycling; the use of green construction materials; daylight harvesting, the purchase/lease of hybrid vehicles; and the use of more expensive but cleaner fuels have initial added costs. However, these efforts result in long-term energy savings, reduction of the Capitol campus carbon footprint, improved indoor air quality, and safer working environments. As with all its projects, the AOC examines these elements and performs a payback assessment prior to undertaking energy projects.

Fiscal Year 2012 Budget Submission
March 15, 2011, 10:30 AM

Questions for the Record from Representative Sanford Bishop
Committee on Appropriations Legislative Branch Subcommittee
U.S. House of Representatives

RADIO MODERNIZATION PROJECT

Question. Can you give us an update on the radio modernization effort for the Capitol Police and its importance to the security of Capitol Hill? I had been surprised to learn in a recent article that nearly a decade after 9/11, the U.S. Capitol Police is still conducting its daily operations on an analog, non-encrypted radio network that can be effortlessly and legally monitored with a cheap police scanner.

Response. The Capitol Police are developing a new digital Land Mobile Radio System based on the standard for public safety trunked radio systems. This new radio system will be encrypted, have greater call capacity, improved coverage and increased reliability over the current analog system. The system was designed to achieve radio coverage of 95 percent outdoors throughout the District and 95 percent indoor coverage throughout the Capitol campus buildings and tunnels. The industry standard dictates that the system is interoperable with law enforcement and emergency response partners throughout the District of Columbia. The new system is extremely important for reliable, secure communications for the Capitol Police during daily activities, but more importantly during emergencies and special events. This effort is very complex and requires extensive coordination between the Capitol Police, U.S. Navy Naval Air Systems Command (NAVAIR) and AOC. The AOC is responsible for installation of the cable pathways, electrical, mechanical and other infrastructure needed to support both a primary and a back-up mirror dispatch/data center, distributed antenna systems within the building, and commercial antenna locations in the region. The AOC infrastructure portion of the project is scheduled to be complete in late 2011. The overall project is targeted for completion in late 2012, but this is highly contingent upon vendor responses to five NAVAIR requests for proposals, three that are currently out for bid, and two that should go out for bid in spring 2011.

SMALL BUSINESS PARTICIPATION

Question. What efforts are you undertaking to increase small business participation with the Architect's office?

Response. The AOC has continued its commitment to working with and encouraging small business concerns to compete effectively for its contracts. We exceeded each of our six small business goals for Fiscal Year 2010. Our accomplishments for small business, women-owned small business, and veteran-owned small business concerns were such that Fiscal Year 2011 goals for these categories were increased to raise the standard for small business participation.

The AOC continues to encourage small business participation as subcontractors on large construction and architect-engineer service contracts by reviewing proposed subcontracting plans submitted by large businesses and ensuring that accomplishments are reported properly and in a timely manner. We also are aggressively addressing small business subcontracting issues for the renovation of the

Cannon House Office Building by considering all available options and identifying the option that will produce the best result as early as possible in the procurement.

The AOC continues its outreach efforts to the small business community by attending local small business conferences, meeting with small business representatives, disseminating information about small business concerns to the appropriate AOC staff, and providing information on possible subcontracting opportunities on AOC contracts for construction and architect-engineer services.

For the first time, the Architect's Honor Awards Program will recognize AOC jurisdictions that meet or exceed the small business goals. In Fiscal Year 2010, three jurisdictions met or exceeded five of the six small business goals and will be recognized for this significant accomplishment. In addition, the jurisdictions with the highest percentage in each of the six individual categories will be recognized as an incentive to continue to increase small business participation.

HOUSE HISTORIC BUILDINGS REVITALIZATION TRUST FUND

Question. Can you talk further about the House Historic Buildings Revitalization Trust Fund and the type of projects in the U.S. House of Representatives you envision will be eligible for these dollars in the future?

Response. The House Historic Buildings Revitalization Trust Fund was created to serve as a type of "infrastructure savings account" to be used over several years to address very large and costly deferred maintenance and capital renewal projects on historic buildings. Its intent is to set aside appropriated dollars for projects, such as the Cannon Building Renewal project, where the AOC could draw down funds each year to complete the project in phases, while still allowing Congress the flexibility to appropriate funding annually for other priority deferred maintenance projects.

If Congress were to fund a project with the scope and magnitude as the Cannon Renewal in one fiscal year, it would effectively prevent them from investing in other vital life-safety projects in that same fiscal year. By setting aside a portion of funds each fiscal year in the Historic Buildings Revitalization Trust Fund, it allows Congress and the AOC to effectively plan for and manage large construction projects while still investing in necessary but less costly deferred maintenance and capital renewal projects. This effectively eliminates having deferred maintenance projects on the AOC's priority list from having to compete against major historic building renewal efforts.

The first project that we are undertaking with funds currently in the House Historic Buildings Revitalization Trust Fund is the Cannon House Office Building Renewal project. Approximately $5 million is being used to develop a Program of Requirements and to provide associated support. The current balance of $45 million will be used to fund design, construction documentation and associated support, upon approval of the Congress.

The appropriation of additional funds to the House Historic Building Revitalization Trust Fund will help fund the multi-year construction of the Cannon House Office Building Renewal project, and other repair and upgrade projects within the iconic U.S. House of Representatives' buildings and facilities, subject to Congressional approval. Following the Cannon House Office Building Renewal project, we anticipate that the fund will be available to support future renewal projects for the Longworth and Rayburn Buildings, as part of the overall U.S. House of Representatives Jurisdiction Plan.

CONTINUING RESOLUTION IMPACT

Question. What impact has the series of short-term Continuing Resolutions had on your work on deferred maintenance and capital improvement projects?

Response. The series of short-term Continuing Resolutions has had an impact on the AOC's work by delaying the execution of all planned capital improvements projects. Several of the larger impacts include the following:

- Tunnel Program: The absence of funding may create greater challenges to complete requirements the Settlement agreement by June 2012.

- Dome Rehabilitation, Phase IC, Skirt Rehabilitation: The skirt rehabilitation is a time sensitive project; therefore, failure to fund the project in a timely fashion will mean major milestones might not be met. Construction for this project is planned for completion prior to the January 2013 Inaugural.

- Safety Projects: Several life-safety improvements will be delayed including Compartment Barriers and Horizontal Exits at the Capitol (Phase I of II); Roof Fall System Replacement for Ford and Longworth House Office Buildings, Botanic Garden, and Capitol Power Plant; and an Emergency Lighting System Upgrade at the James Madison Memorial Building. The lack of fall protection means that necessary maintenance on roofs and facades will be postponed, thus contributing to further deferred maintenance and increased operating costs. Without funding for the James Madison Memorial Building Emergency Lighting System Upgrade, employees and the visiting public may not have a well-lit pathway in the event of an emergency due to insufficient and/or non-existent emergency lighting.

FISCAL YEAR 2012 BUDGET

Question. Could you summarize for us the impact of a flat Fiscal Year 2012 budget? What impact will that have on your staff – especially with regard to possible furloughs and impact to your mission?

Response. At this point, any definitive and final impacts on AOC staff and mission are unknown since the definition of a flat budget is contingent upon passage of the Fiscal Year 2011 appropriations bills. However, the AOC does anticipate that some key life-safety projects planned in 2012, such as the Senate Alternate Life Safety Approach, the House Alternate Life Safety Approach, Library of Congress egress improvements, and roof fall protection for the Thomas Jefferson Building, may need to be deferred. Delaying these projects does impact the AOC's overall mission of serving Congress and the American people by maintaining and preserving the historic treasures entrusted to its care, and providing a safe and accessible environment for all who work and visit the U.S. Capitol.

Immediate-urgency deferred maintenance projects such as the 480-volt switchgear and transformer replacement for the Rayburn House Office Building, the power distribution system replacement for the Ford House Office Building, and the Hart Senate Office Building skylight replacement also may need to be deferred to future years resulting in increased deterioration and additional costs. Fiscal constraints may drive a delay in the garage structural repairs for the John Adams Building (which also includes life-safety aspects), as well as the West House Underground Garage Interior Rehabilitation project.

Client project requests such as the Library of Congress Collection Storage Module 5 and secured storage facilities, the Brumidi Corridor restoration, garage security infrastructure, and the Capitol Police Offsite Delivery Screening Center may need to be deferred again to a future year, thereby affecting the AOC's ability to support client missions and projects.

If the flat line budget is based on Fiscal Year 2010 levels, the AOC also may need to straight-line the Capitol Police requirement for additional building maintenance support, as well as increased support for special events. The request to increase Botanic Garden operational facility maintenance funding may need to be deferred, resulting in increased deterioration of the Conservatory and greenhouses.

If projects are continually deferred, the AOC will do all that is possible to maintain personnel and operational base levels in our efforts to prevent increased deterioration of the facilities while awaiting project funding.

DEFERRED MAINTENANCE BACKLOG

Question. Given this tight budget environment, what annual level of project funding would be necessary to maintain the deferred maintenance backlog at current levels?

Response. The AOC's Fiscal Year 2012 budget request reflects the investment required to fulfill our mission. For the past several years, the AOC has been identifying and quantifying the extent of the deferred maintenance and capital renewal backlog, as well as the growing need for capital improvement, and capital construction projects for the facilities entrusted in our care, and for the clients we serve. The majority of our request is devoted to addressing major, critical projects throughout the Capitol campus.

We have completed Facility Condition Assessments over the past several years that have identified the most critical issues in the facilities, and the objective data collected during this process helps us identify urgent needs that must be addressed. While the condition of the majority of Congressional facilities which are rated poor or fair, have not changed significantly, facilities once rated as excellent are beginning to trend downward. For example in Fiscal Year 2009, nine buildings were rated in excellent condition. In Fiscal Year 2010, there were just six. In Fiscal Year 2009, three buildings were listed as good. Now there are seven.

Without regular and prudent investments made in these facilities, this unfortunate trend will continue and the deterioration will increase, possibly to the point of impacting Congressional operations. We will work to focus resources on those activities and projects that most directly support Congress.

WEDNESDAY, MAY 11, 2011.

GOVERNMENT PRINTING OFFICE

WITNESS

WILLIAM J. BOARMAN, PUBLIC PRINTER OF THE UNITED STATES

CHAIRMAN CRENSHAW'S OPENING REMARKS

Mr. CRENSHAW. Today we are going to hear testimony from the Government Printing Office, the Congressional Budget Office, and from outside witnesses.

Our first witness is going to be our new Public Printer, William Boarman. Upon taking Office in January, he became the 26th Public Printer of the United States.

I congratulate you on that appointment.

Mr. BOARMAN. Thank you, Mr. Chairman.

Mr. CRENSHAW. We are going to look at your fiscal year 2012 budget request, a little over $148 million, and that is about a $13 million increase, which is about 10 percent.

You and I have talked, and we all know how difficult our economic situation is, and it might be difficult to find an additional 10 percent. In fact, everybody is being asked to do more with less. You know that. We have talked about that. So, in your testimony, you might talk about thoughts like that. I would love to hear about the problems you are having and the solutions that you propose on how you figure out a way to meet all this.

Mr. Bishop, would you like to say anything in Mr. Honda's stead?

MR. HONDA'S OPENING REMARKS BY MR. BISHOP

Mr. BISHOP. Yes. I will give Mr. Honda's remarks welcoming Mr. Boarman to your first House Legislative Branch Appropriations hearing. Of course, the GPO has received a renewed interest in recent months, and there are a lot of proposals and ideas about how to revamp the work that you do. And while we are not necessarily opposed to reviewing how Congress does its work, including the documents requirements, we believe that the Members should spend some time getting to know exactly the insides of the agency before we actually take action.

According to your testimony, the printing produced for Congress ranges from 5.5 cents a page to a penny or less per page compared with nearly 7 cents a page for documents printed from the kind of office printers typically used throughout the Government and Capitol Hill. If this is accurate, that is the type of unintended consequence you have to avoid when evaluating the future of government printing.

Not having GPO print the Congressional Record, for example, could cost Member offices more in paper costs than we save by not having GPO print the document.

Also, the very name of your agency, the Government Printing Office, doesn't do it justice. GPO is the source of data for the THOMAS Web site that makes Congress more transparent to all depository libraries across the country and the Library of Congress. Generations to come can analyze the work of Congress due to our recorded history included in the documents that you publish.

So we thank you and the over 2,000 workers at GPO for the work that you do, and we look forward to your testimony and responding to the questions that we raise.

Mr. BOARMAN. Thank you.

Mr. CRENSHAW. Thank you, Mr. Bishop.

Your statement will be inserted in the record, so please feel free to make any remarks you would like to make and introduce any folks that you brought along with you.

OPENING STATEMENT—MR. BOARMAN

Mr. BOARMAN. Thank you. I will forego all the introductions so we can get to it and save some time.

Mr. Chairman, thank you for the opportunity to be here. As was mentioned by Mr. Bishop, this is my first oversight hearing—I mean, my first funding hearing, although I have been in these meetings many times before as an advocate for GPO, so I feel sort of at home.

The funding picture has changed since we submitted our appropriations request in January. At that time, our request was about level with the continuing resolution. Now it would represent a significant increase over the 2011 funding. And that is due to the fact that we submitted it months ago, before the final budget was reached for 2011, which sort of put us on hold.

We know Congress is facing hard choices in providing funding for next year, and like others, we know we have to make hard choices ourselves in doing more for less. We are prepared to work with you on setting a funding level that gives us the resources we need to carry out the work you give us in the coming year.

To begin that discussion, I want to be clear about the work that GPO does. In spite of our name, which often becomes a source of discussion, GPO today is essentially a digital platform for the production and delivery of congressional information products in forms and formats Congress requests. Printing is what many people see when they look at us, but it is only the tip of the iceberg in what we do.

Most people don't know that it is GPO that puts congressional and agency information on the Internet. We have been doing that since 1994. Our Federal Digital System, FDsys, has more than 250,000 Federal titles online and sees more than 25 million documents downloaded free of charge by the public every month.

The printed products we produce are in the quantities ordered by Congress. We don't print any more than we are required to produce. To ensure that those quantities are what Congress wants, we are conducting a comprehensive survey of congressional offices of their printing needs. It is the first ever survey of its kind.

Now, up to 70 percent of the cost of congressional printing is for the prepress function to create the digital product. After the initial cost is set up on press and binding, our print and incremental rates run from about a penny to about 5.5 cents per page. By contrast, the cost of printing documents on office laser printers is much more expensive, up to 7 cents a page.

Now, over the years, the efficiencies we have generated have cut the cost of information products for Congress by more than two-thirds in real economic terms. We have reduced from 8,000 employees when I was at GPO as a proofreader 35 years ago to just 2,200 today, yet more people have more access to congressional information through us than ever before. And that is a remarkable achievement. All of this has been achieved by an agency with an unmatched technological capability, backed by an expert and dedicated staff.

We recover our costs by charging for printing. Our digital platform that supports congressional information products is funded almost entirely from the rates we charge for our print products.

The rates we charge for printing also fund the cost of operating GPO as an agency, including the cost of essential functions like security, finance, EEO, personnel, and an Inspector General. Unlike other legislative branch agencies, we don't get separate funds for those costs. We have to recover them through the printing work we perform.

If we cut printing, I want to make sure we are not cutting into the digital platform that supports Congress or our ability to run the GPO the way you would want us to do it. I also want to make sure we are not opting for the false economy of a printing system that relies on office printers. Such systems can be far more expensive than what we are doing now.

Mr. Chairman, we know Congress is looking for ways to reduce costs, and we get that. We have been one of Congress' leading partners in saving money through the transformation to a digital information enterprise, and we will help you get there.

We have appreciated working with the Subcommittee and your superb staff. I know you will give our request full and fair consideration, and I thank you, and I would be happy to answer any questions of you and the other Members of the Subcommittee may have.

[The prepared statement of the Public Printer follows:]

William J. Boarman
Public Printer of the United States

Prepared Statement before the Subcommittee on Legislative Branch Appropriations, Committee on Appropriations, U.S. House of Representatives

On GPO's Appropriations Request for FY 2012

Wednesday, May 11, 2011
HT-2, The Capitol
Washington, DC 20515
10:00 AM

Mr. Chairman, Representative Honda, and Members of the Subcommittee on Legislative Branch Appropriations:

It is an honor to be here today to present the appropriations request of the U.S. Government Printing Office (GPO) for fiscal year (FY) 2012. Our request is for the Congressional Printing and Binding Appropriation and the Salaries and Expenses Appropriation of the Superintendent of Documents, both of which are included in the annual Legislative Branch Appropriations bill. These two accounts cover GPO's provision of congressional information products and services as authorized by law and our provision of public access to congressional and other Government information products through statutorily-established information dissemination programs under the Superintendent of Documents.

All other GPO functions and activities—including the production of U.S. passports for the State Department as well as secure credentials for congressional and agency use, the procurement of information products and services in partnership with the private sector, the sales of Government information products and services to the public, and related operations—are financed on a reimbursable basis through GPO's business-like Revolving Fund, which is authorized through the annual Legislative Branch Appropriations bill.

GPO

Background

With just 2,200 employees, GPO is the Federal Government's primary centralized resource for producing, procuring, cataloging, indexing, authenticating, disseminating, and preserving the official information products of the U.S. Government in digital and tangible forms. The agency is responsible for the production and distribution of information products for all three branches of the Federal Government, including U.S. passports for the Department of State as well as the official publications of Congress, the White House and other Federal agencies, and the courts.

Along with sales of publications in digital and tangible formats to the public, GPO supports openness and transparency in Government by providing permanent public access to Federal Government information at no charge through its Federal Digital System (**www.fdsys.gov**), which has more than 250,000 Federal titles online and sees more than 25 million documents downloaded every month, and through partnerships with approximately 1,220 libraries nationwide participating in the Federal Depository Library Program. In addition to GPO's Web site, **www.gpo.gov**, we communicate with the public routinely via Twitter **twitter.com/USGPO**, YouTube **www.youtube.com/user/gpoprinter**, and Facebook **www.facebook.com/USGPO**.

We first opened our doors for business 150 years ago, on March 4, 1861, the same day Abraham Lincoln was inaugurated as the 16th President. Our mission can be traced to the requirement in Article I of the Constitution that each House of Congress shall keep a journal of its proceedings and from time to time publish the same. Representative Robert A. Brady put a statement in the *Congressional Record* recognizing GPO's anniversary, which I'm pleased to include with this statement.

For the Clerk of the House, the Secretary of the Senate, and the committees of the House and the Senate, we produce the documents and publications required by the legislative and oversight processes of Congress, including the daily *Congressional Record*, bills, reports, legislative calendars, hearings, committee prints, and other documents, as well as stationery, franked envelopes, and other materials such as memorials and condolence books, programs and invitations, phone books, and the other products needed to conduct the business of Congress. The printing we produce for Congress ranges from 5.5 cents per page on our digital production systems to a penny or less on our offset systems, compared with nearly 7 cents per page for documents printed from the kind of office printers typically used throughout the Government and Capitol Hill. We also detail expert staff to support the information product requirements of House and Senate committees and congressional offices such as the House Office of Legislative Counsel.

The production of the *Congressional Record* alone is a remarkable job, averaging about 170 pages per issue but ranging in size from a few pages to hundreds of pages per night depending on the amount of business transacted, all formatted, paginated, proofed, corrected, uploaded for online access, printed, and delivered overnight, every night Congress is in session. The history of our Nation as revealed in the proceedings of Congress is preserved for generations to come in the permanent edition of the *Congressional Record* and in the *Congressional Serial Set*, containing all the numbered reports and documents of each Congress and published continuously since 1817, both produced by GPO.

Since taking office in early January, I've met with the Clerk of the House and the Secretary of the Senate and various Members and staff, and have heard repeatedly about the utility of the products we provide for Members and staff in performing the work of their offices and their committees. Ensuring that utility—supporting Congress in carrying out its constitutional legislative function—is our most important job. In addition, with the Library of Congress and the National Archives, the work we perform is a basic part of Government openness and transparency, and an integral part of the creation and preservation of the record of our Government for the American people.

GPO and Digital Information Technologies

As Archivist of the United States David Ferriero recently said, GPO has not rested with drums of printer's ink and rolls of paper measured by the ton. Our present and future are clearly being defined by digital technology, and digital technology itself has radically changed the way printing is performed today. This is especially true where the information products used by the House and the Senate are concerned. GPO's conversion to digital databases for the composition of congressional publications occurred more than a generation ago. Today the activities associated with creating congressional information databases comprise the majority of the work funded by our annual Congressional Printing and Binding Appropriation.

In addition to using these databases to produce printed products as required by Congress, we upload them to the Internet via our online information system, known previously as *GPO Access* and today as GPO's Federal Digital System (FDsys). Since we first went online with congressional information in 1994, these systems have provided Congress and the public with the definitive source not only of legislative but executive and judicial information online.

Our creation of digital databases of congressional information from which we can print and provide online public access has dramatically increased productivity and reduced costs to the taxpayer. As our budget submission shows, our digital production systems have reduced the level of the Congressional Printing and Binding Appropriation by more than two-thirds in constant dollar terms since 1975 while expanding our information capabilities exponentially.

GPO's congressional database systems also form the basic building blocks of other information systems supporting Congress. Our congressional information databases for the *Congressional Record*, bills, reports, and other legislative documents are provided directly to the Library of Congress to support its THOMAS system as well as the legislative information systems the Library makes available to House and Senate offices. GPO and the Library are also collaborating on the digitization of the *Congressional Record* back to its first issue in 1873 and the *Statutes at Large* to make them more broadly available to Congress and the public, and we are jointly developing a new process for updating the digital edition of the *Constitution Annotated* as prepared by the Congressional Research Service.

GPO's digital systems support other key Federal publications, including the annual *U.S. Budget* and, most importantly, the *Federal Register* and associated products, which we also produce. Through GPO's efforts, the online *Federal Register* is being made available in extensible markup language (XML) to support bulk data downloads via **www.data.gov**, and with the Office of the Federal Register we developed the online *Federal Register 2.0*, an innovative approach to making information on Federal regulations and related documents available to the public. Our advanced authentication systems, supported by public key infrastructure (PKI), are an essential component for assuring the digital security of congressional and agency documents.

The other major products that GPO produces are U.S. passports for the Department of State, the premier component of our secure and intelligent documents business unit. At one time no more than a conventionally printed document, the U.S. passport today incorporates a chip and antenna array capable of carrying biometric identification data, which with other security features has transformed this document into the most secure identification credential obtainable. We have also developed a line of secure identification "smart cards" used by a number of Federal agencies, including the Department of Homeland Security for certain border crossing documents, and we produced secure law enforcement credentials for use by the U.S. Capitol Police during the 2009 Presidential inauguration. Our secure credential unit has been certified as the only government-to-government provider of credentials meeting the requirements of Homeland Security Presidential Directive 12 (HSPD-12).

GPO in Partnership with Industry

Other than congressional and inherently governmental work such as the *Federal Register*, the *U.S. Budget*, and secure and intelligent documents, we produce virtually all other information product requirements via contract through a longstanding partnership with the private sector printing industry. Our procurement operation handles approximately 75% of all work sent to GPO for production, amounting to $450 million to $500 million annually. This system is one of the Government's longest running and most successful programs of utilizing the private sector, which is represented by more than 16,600 individual firms registered to do business with us, the vast majority of whom are small businesses averaging 20 employees per firm.

Contracts are awarded on a purely competitive basis; there are no set-asides or preferences in contracting other than what is specified in law and regulation, including a requirement for Buy American. This partnership provides great economic opportunity for the private sector.

GPO and Open, Transparent Government

Producing and distributing the official publications of our Government fulfills an informing role originally envisioned by the Founders, when James Madison said:

> A popular Government without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy, or perhaps both. Knowledge will forever govern ignorance, and a people who mean to be their own Governors, must arm themselves with the power which knowledge gives.

A key mechanism for this purpose is the Federal Depository Library Program, which today serves millions of Americans through a network of some 1,220 public, academic, law, and other libraries located in virtually every congressional district across the Nation. These libraries are critical links between "We the People" and the information provided by the Federal Government. GPO provides the libraries with information products in online or tangible formats. The libraries in turn make these available to the public at no charge and provide additional help and assistance to depository library users. One of the other programs we operate is in fulfillment of an international treaty. Under it, we distribute certain Federal publications to other governments abroad as designated by the Library of Congress. In return, they send the Library copies of their official publications, which the Library then makes available for the use of Congress and the public. This helps maintain the universal nature of the Library's collections, as Librarian of Congress James Billington recently pointed out.

Along with these programs, we also provide public access to the wealth of official Federal information through a sales program featuring secure ordering through an online bookstore for GPO sales publications and a partnership with the private sector to offer Federal publications as e-Books. In addition, we operate information distribution programs for other Federal agencies on a reimbursable basis, including the General Services Administration's Consumer Information Center publications

Recent Actions

Since taking office on January 3 this year, my management team and I have worked to reduce spending and ensure that GPO's finances remain sound in the face of ongoing constraints on the Federal budget. In January we reduced our appropriations request for FY 2012 by more than $5 million from what was originally submitted to OMB. We cut GPO's annual spending plan as previously submitted to the Joint Committee on Printing by $15 million and implemented controls on hiring, travel, certain contractual services, and related discretionary accounts. We realigned GPO's organization so the Chief Financial Officer reports directly to me rather than through subordinate officers, and implemented a task force on recovery of outstanding payments from Federal agencies. We are surveying congressional offices on their continued need for GPO printed products. In addition, we are ensuring continuity of ongoing initiatives such as the development of FDsys, support for our Oracle suite of business enterprise services, and planning for continuity of operations (COOP). We are also pursuing additional revenue pportunities, particularly in the field of secure credentialing, as well as increased utilization of our printing procurement capability by Federal agencies.

My meetings with the Clerk of the House and the Secretary of the Senate were to discuss how GPO can best assist them in supporting the needs of Congress. We have met with both staff and Members of the appropriations committees and assisted them in their effort to provide appropriations for the balance of this fiscal year in P.L. 112-10. We appreciate the support we received from the Subcommittee during this process. We fully understand the intention of Congress to control its spending and you will have our cooperation in meeting this goal.

FY 2012 Appropriations Request

For FY 2012, the budget we submitted in January requests a total of $148,474,000. This was a reduction of $5.2 million, or 3.4%, from the amount submitted to the Office of Management and Budget late last year.

Our funding request for FY 2012 is designed to:

- meet projected requirements for congressional information products and services as authorized by law, provide the necessary funds for materials required for the 2013 Presidential inauguration, and recover the shortfall in this account carried forward from FY 2009;
- fund the operation of GPO's statutory programs that provide public access to congressional and other Government information products nationwide; and
- continue the development of GPO's Federal Digital System (FDsys), which provides Congress, Federal agencies, and the public with no-fee digital access to a vast range of congressional and other Federal information products, and support our Oracle-based enterprise infrastructure.

P.L. 112-10 enacted reductions of $12,393,676, or 8.4%, to GPO's appropriations for FY 2011. The request we submitted in January represented an increase of just .7% over the then-continuing appropriation level, inclusive of two one-time only requirements: inaugural funding and liquidation of a prior year shortfall. With the reduction enacted by P.L. 112-10, the request now represents an increase of $13,406,676, or 9.9%. We are prepared to work with the Subcommittee to achieve a level of funding for FY 2012 commensurate with Congress' funding goal that does not impair our ability to provide essential services to Congress, Federal agencies, and the public.

Congressional Printing and Binding Appropriation

The request we submitted in January is $100,001,000 for this account to cover the estimated cost of congressional information products and services as authorized by law. This represents an increase of $6,420,536 over the level provided by P.L. 112-10.

Of the increase, $1,400,000 is estimated to be required for work to support the 2013 Presidential inaugural and $1,390,000 is required to fund the shortfall in this appropriation carried forward from FY 2009. A total of $2,909,000 is for estimated volume increases in certain work categories—principally the *Congressional Record*, business calendars, and hearings—offset by estimated volume decreases in other categories, primarily miscellaneous publications and bills. The estimated changes in volume are based on historical data for a second session year including a Presidential election. The increase also includes $534,000 for price level changes averaging .6% that are attributable to existing wage contracts and projected cost increases for materials and supplies. A total of $187,536 is included in the increase as a result of the reduction made to this account by P.L. 112-10.

Salaries and Expenses Appropriation of the Superintendent of Documents
The request we made in January is $42,173,000 for this account to support public access to congressional and other Government information products through GPO's statutory information dissemination programs, primarily the Federal Depository Library Program. Our request represents an increase of $2,341,822 over the level approved in P.L. 112-10.

Included in the increase is $196,000 for mandatory pay costs (pertaining only to within-grade increases) and price level changes, $262,000 for the level of GPO overhead required to be distributed to Salaries and Expenses programs, and $304,000 for FDsys annual operating costs attributable to Superintendent of Documents programs. In addition, we are requesting $500,000 to continue legacy systems migration and modernization costs, as well as historical digitization projects approved by the Joint Committee on Printing that involve collaboration with the Library of Congress. A total of $1,079,822 is included in the increase as a result of the reduction made to this account by P.L. 112-10.

As noted above, there is an unexpended balance of $2,700,000 in the Salaries and Expenses Appropriation from FY 2006 that could be transferred to the Revolving Fund under current law. If the transfer is approved by the Appropriations Committees, it would reduce our request for new funding to the Salaries and Expenses appropriation by that amount.

Revolving Fund
We are requesting $6,300,000 for this account, to remain available until expended, to fund essential investments in information technology development. These include $5,000,000 to continue developing FDsys and $1,300,000 for support for our Oracle-based enterprise infrastructure. GPO has requested these funds as additions to the revolving fund's working capital to enable the fund to continue financing other routine investments in upgrades of technology, equipment, and plant modernization. Our request originally represented a reduction of $6,482,000 from the FY 2010 continuing appropriation. It now represents an increase of $4,644,318 over the amount included in P.L. 112-10.

Mr. Chairman, Representative Honda, and Members of the Subcommittee, this concludes my prepared statement. We look forward to working with you and the Subcommittee in your consideration of our appropriations request for FY 2012.

EXTENSIONS OF REMARKS

CONGRATULATIONS AND BEST WISHES TO THE GPO

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 3, 2011

Mr. BRADY of Pennsylvania. Mr. Speaker, March 4, 2011, is the 150th anniversary of two important events in the history of our Nation. On this day in 1861, not far from this spot, Abraham Lincoln of Illinois took the oath of office as the 16th President of the United States. On that same day, the United States Government Printing Office opened for business, on the very site from which it operates today. From that day it has been the source of the legislative documents we need—the CONGRESSIONAL RECORD, hearing transcripts, committee reports, bills, calendars, and other congressional documents—in digital and printed form to carry out our work for the people we represent.

The GPO traces its roots to the very beginning of our Republic. At the Constitutional Convention of 1787, held in my hometown, Delegate James Wilson of Pennsylvania declared, "The people have a right to know what their agents are doing or have done, and it should not be in the option of the legislature to conceal their proceedings." Wilson's words helped lead to the adoption of the requirement in Article I, section 5 of the Constitution that "Each House shall keep a Journal of its Proceedings, and from time to time publish the same . . ."

Following the example of Philadelphia's greatest citizen, Benjamin Franklin—the patron saint of printing in America, who had been an early provider of "publick printing," the documents needed by government—the first Congresses took steps to ensure that their proceedings, records, and legislative documents were printed and made available to the public. By the mid-19th century, however, the high costs, ineffective service, and scandals that came to be associated with this system prompted Congress to create its own printer, the GPO. This effort was rewarded almost immediately with a reduction in costs, vastly improved service, and the elimination of scandal. Put to the test early in meeting the emergency demands imposed by the Civil War, the new GPO carried out its work coolly and professionally, counting among its early jobs the printing of the Emancipation Proclamation. In the 150 years that followed, this pattern—economy, efficiency, and prompt and effective service—continued to repeat itself as GPO, quietly and expertly, has carried out its mission of keeping America informed.

As the new Public Printer, William J. Boarman, clearly points out, while GPO's past has been about printing, its present and future are being defined by digital information technologies. In fact, the GPO today is the product of more than a generation of investment in digital production and dissemination technologies, an investment that has yielded unprecedented improvements in productivity, capability, and savings for the taxpayers. Once an agency of more than 8,000 staff and employing just 2,200 today, fewer than at any time in the past century, the GPO now provides a range of products and activities that could only have been dreamed of 30 years ago: online databases of Federal documents with state-of-the-art search and retrieval capabilities available to the public without charge, Government publications available as e-Books, passports and smart cards with electronic chips carrying biometric data, print products on sustainable substrates using vegetable oil based inks, and a public presence not only on the Web but on Twitter, Facebook, and You Tube.

The work of the GPO is so fundamental to our work that we frequently lose sight of all the services they actually provide. We like to say that all congressional information is on the Internet, but many of us don't seem to know that it's the GPO that puts that information online on its site, GPO Access, and now on the successor site, FDsys. GPO's legislative information databases are shared with the Library of Congress for the operation of the THOMAS information system and for the legislative information systems provided by the Library to the House and Senate. The GPO makes Senate conference reports available online in advance of a vote, and the agency is developing a system for making the Constitutional Authority Statements required for House legislation available online. The GPO is currently working with the Library of Congress to digitize historical documents, including the Statutes at Large and the CONGRESSIONAL RECORD, and in collaboration with the Library GPO will provide updated digital access to the Constitution Annotated. Since GPO first began computerizing its prepress functions in the 1970s, the agency's use of digital information technology has generated productivity improvements that have reduced the cost of congressional information products by approximately 66% in real economic terms. Since GPO first began providing free online access to Government documents in the early 1990s, similar reductions have been achieved in the cost of disseminating information to the public.

And the GPO does more than just support Congress. Through GPO's efforts, the online Federal Register is being made available in XML to support bulk data downloads via data.gov and GPO developed the online Federal Register 2.0. GPO's advanced authentication systems, supported by Public Key Infrastructure, are an essential component for assuring the digital security of congressional and agency documents. GPO produces all U.S. passports for the State Department and secure credentials for a variety of agencies, including the Department of Homeland Security. Passports contain advanced electronic and print security systems consistent with international standards and agreements. GPO is the only Federal agency certified to graphically personalize/print HSPD-12 secure identification cards on a government-to-government basis. In addition, GPO's partnership with the printing industry is responsible for producing 75% of the Government's needs and enormous savings to the taxpayer, while supporting tens of thousands of jobs in the small printing businesses throughout the Nation, and its partnership with more than 1,200 Federal depository libraries across the country regularly supplies the Federal information needs of millions of students, researchers, businesses, and others every year with both digital and print products.

In a day when we are working hard to cut costs and improve services, the GPO provides a model of how an agency with a history of taking advantage of technological change has used that capability to generate lasting savings while expanding services to Congress, Federal agencies, and the public. The dedicated men and women of GPO have resorted continually to technology improvements to perform their work more efficiently, at one time using ink on paper to set the text for The Emancipation Proclamation, and today—as another President from Illinois leads the Nation—using e-Books, digital databases, and other new and emerging applications to achieve its founding mission of Keeping America Informed.

Mr. Speaker, Benjamin Franklin and the Founding Fathers would be surprised and pleased by what the GPO is and does today. On behalf of all us in this House who daily rely and depend on the products and services the GPO provides, I say congratulations and best wishes to Public Printer Bill Boarman and the men and women of the United States Government Printing Office, and convey our thanks and deepest appreciation for all their hard work.

HONORING JARON WALKER HENDRIX

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 3, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Jaron Walker Hendrix. Jaron is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 75, and earning the most prestigious award of Eagle Scout.

Jaron has been very active with his troop, participating in many scout activities. Over the many years Jaron has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Jaron has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Jaron Walker Hendrix for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

MORE WITH LESS

Mr. CRENSHAW. Thank you, Mr. Boarman.

Let me start by asking, you mentioned about the Congressional Record, that 70 percent of the work goes in there is the digital preparation and 30 percent is actual printing. Do you think other than printing less copies to save money, are there things you can do on the other side of the equation that might save money?

For instance, does anybody work overtime to get it all out, or can you tell me what goes into that 70 percent. Because the 30 percent of the printing, it seems to me if you printed for a penny or less, we are not going to save much money by printing fewer copies because it is going to cost more, as Mr. Bishop said. But the 30 percent that goes into that, tell me about that and have you thought about any ways to save money on that side?

Mr. BOARMAN. Well, you know, I have been around this process for a long time. I have been associated with GPO for probably more than 35 years as an employee, as an advocate, and now as Public Printer. And the discussion about efficiencies in the production of the Congressional Record has been an ongoing discussion with many Public Printers and many chairmen of this Subcommittee. And it really comes back to the way Congress works. And people have said, Well, we are going to change that. But the reality is, our processes are built around what Congress does.

Congress comes in at a certain time, and they go out at a certain time. Sometimes they don't know when they are going to go out. And so our production capabilities are built around the way Congress operates and the demands that you place on us on a daily basis. We have a three-shift operation. We only work overtime if we have to. But we have a very limited production force today compared to what we had when I was there 35 years ago.

So overtime does happen, especially when the House or the Senate or both stay in late at night or into the wee hours of the morning. And to me, as a bystander and now as Public Printer, it is amazing that the people that work there are able to accomplish what they do overnight with the demands that are put on them.

There are things that I think Congress could do in changing its habits that could save money, but again, these things have been talked about before. You know, the Extensions of Remarks a lot of times come in late at night. They have to, I guess, go through a process of being introduced through the Clerk's Office. And then sometimes they come to us and we actually have to keyboard them, rather than get them in a machine-readable format. If there were some way for that to happen earlier in the day so that we could make that part of the Record and that part was put to bed in the prepress process, I think we could save some money.

But I think Congress is going to do what it has to do to legislate for the United States Government, and it is going to take different kinds of hours than most businesses are used to. That is what makes the GPO unique. I have been in the printing and publishing business for 40 years, and I don't think there is any other organization like the GPO that can accomplish what it does. Are there more efficiencies that we could squeeze out of our organization? I am sure there are, and I am looking at those.

I have only been there for 4 months. I have made some major changes at the top. We have had a number of people that have departed, and we have tried not to replace people. We put a freeze on traveling. We absolutely look at every job that is vacant to see whether it needs to be filled. We have cut out expensive overseas travel.

I think that we respond to you, and whatever you want us to do, we have to do. And if there is to be an examination about how Congress works and how they can change, we would welcome being part of that discussion to help you make some changes.

DELIVERY SCHEDULES

Mr. CRENSHAW. When you deliver the copies to Congress and then some go to the Library of Congress and other people, would it make any sense, where more urgent deliveries take place right way and then there is another delivery that is less urgent would that reduce the crunch time, is that something that you all think about, or would that make any sense?

Mr. BOARMAN. Well, I did mention in my testimony that we are doing a survey to see who wants the Record. And obviously, if a number of Members opt out, that is going to create a savings right away and may change the way we actually do business with printing the Record. We will have to see. We will have the results of that later in May. As far as the delivery, I mean, we are just down on North Capitol and H Streets.

Mr. CRENSHAW. In turn if you got to get it out to all of the Members, they ought to get it first, right?

Mr. BOARMAN. Right.

Mr. CRENSHAW. But if you got to stay up all night to make sure the Library of Congress gets it the same time, can then get it 4–8 hours later.

Mr. BOARMAN. Well, I have to honestly say, I don't know what time they get it, but I doubt whether they get it the same time that you do. Our priority is to get it up to Congress by 9:00 if we can or as soon as we can after that, depending on what time you go out in the morning. And those trucks pull out of Jackson Alley on North Capitol, and they are here in a matter of minutes. And so the efficiency of that operation, I think because of the location of the GPO and the House and the Senate and the Capitol, is as good as it gets. I don't think the Library gets their copies at 9:00.

Mr. CRENSHAW. So are you saying, once you do all the work and make sure the Members get it, it is done, so it is time to go home. It is all one package that gets delivered. You wouldn't save much money.

Mr. BOARMAN. Once it gets on the presses, and you have to understand, these are very high-speed sophisticated presses, and we only run 3,700 copies. We printed 20,000 copies back in the early 1990s. So for the press to run 3,700 copies and the machine does almost everything—it sends it to a binding system that comes out stapled together for delivery—you are talking about a matter of minutes for the press to produce everything that's needed.

Mr. CRENSHAW. So really 70 percent of that goes in——

Mr. BOARMAN. Right, that is for the prepress work.

Mr. CRENSHAW. I appreciate that.

Mr. Honda, welcome.

OVERHEAD

Mr. HONDA. Thank you. I apologize for being tardy here.

I thought I had my car, and I didn't have it, so I had to walk. So I assume that you just spoke on the process and everything else. Did you speak of the overhead of costs in terms of the overhead for your office?

Mr. BOARMAN. No, sir. That was one of the major surprises that I was made aware of not too long after I took office. The overhead of GPO had increased almost by 50 percent over the last 5 years.

Mr. HONDA. Would you mind just talking about that and distinguish, maybe define, what overhead means.

Mr. BOARMAN. Well, it is what we add on to the cost of printing. Actually, 33 cents of every dollar that we charge Congress for printing goes to cover overhead. Some of these things are unfunded requirements. We have an EEO Office that we have to run, and we have a personnel office, and then we have an Inspector General, which is required by law. I've learned we probably have the largest Inspector General's Office in the legislative branch.

Mr. HONDA. And that is a function over and above what we funded you for?

Mr. BOARMAN. Yes. We fund that out of the cost of printing. We don't get any separate funding for that, and I mentioned that in my testimony.

SPACE

And then we have the building issue. We have a wonderful building. You know, there are actually four buildings there. The newest building was built in 1940. The oldest one was built in 1903. And there were 8,000 people working in these four buildings when I was first there, and today there are 2,200 people rattling around in space that we don't need.

And so what I have done is I have asked my staff and all of the heads of our business operations to study how we could move all of our employees from two of our buildings into the other two. One building is specifically set aside for passports, and it is a very secure area. We do some storage there. And that is across the street from our main complex on North Capitol Street. That building was built in 1938.

The cost of maintaining the unused space in our buildings is enormous for us. And why this wasn't addressed in the past it is beyond my understanding. The Capitol and House and Senate Office Buildings are bulging through the walls. I visit here every week; I visit Members. And some of my meetings are held in the hallway because there is so little space in Hill offices. We could provide overflow space for the Architect of the Capitol, and many of the functions that take place in the different congressional office buildings could move to GPO, and then that would open up more congressional space in your office buildings.

I estimate we have anywhere from 70,000 to 100,000 square feet that we could make available in the next 2 years. And what that would do is we would get revenue from that because the Public Printer by law has to recover his costs, and so it would be a very nominal amount we would charge. But we would reduce the cost of maintaining those buildings, which can be sizable because of their age, and it would reduce the cost that we have to pay for steam from the Architect of the Capitol——

Mr. HONDA. There is plenty in Congress.

Mr. BOARMAN. Well, we get our steam from the Architect—

Mr. HONDA. Well, from both sides, sir.

Mr. BOARMAN. And we get our power from PEPCO.

And these are big high-ceiling old buildings, and the cost is just enormous. And my chief financial officer, who is sitting behind me—

Mr. HONDA. Which one, the one with his arms crossed?

Mr. BOARMAN. One of the first things I did—and I had discussions with a lot of you and I deeply appreciate the time you gave me. I have had a chance to meet you in advance, and I think I mentioned this so it ought to get on the record. In every organization I have been associated with, the chief financial officer reported directly to the chief operating officer. At the GPO, he was down several layers. Now he reports directly to me, and I meet with him on a weekly basis if I am able to do that. Never more than two weeks go by when we don't meet. And this is one of the issues that he brought to my attention that, if we want to get a handle on the overhead, we have got to address this issue of the building, we have got to make more efficient use of it, and we have got to get this space rented. So we are working on that.

SECURITY

GPO's security is another issue. Now, we have a very, very fine security force, and I am very proud of them. But I am in the printing and publishing and electronic business; I shouldn't be in the security business. There have been proposals for our police officers—which are in the statute, the Public Printer has his own police force—that they become part of the U.S. Capitol Police force. I have spoken to the officers. They are all members of the local FOP lodge. I think it is the same one as the Capitol Hill Police. They would like to become Capitol Hill police, just like the Library of Congress police did, and they merged them in.

About $13 million of our cost is for security, both in DC and Mississippi. And we need security. We could be a target for attack because of what we do for the Congress, because of what we do for the State Department, and the secure IDs that we do for the rest of the Government. We could definitely be a target. I don't want to lessen the security. And I want to compliment what we have because they are fantastic, because I know they will all be watching and hearing what I am saying.

But I think we would be better off if the Congress would consider taking that over to the U.S. Capitol Police. Security costs add to our overhead and it would help us tremendously in dealing with the issues that the Chairman raised at the opening about less dollars if such a transfer could be considered.

Mr. HONDA. So the understanding of your budget has to be expanded, and I understand that when you say, my printing office is more than just printing. When you say overhead, we can over characterize that we either don't know, don't understand or are not aware of.

Mr. BOARMAN. Well, I think we are the only agency that doesn't get funding for positions; it has to come out of our printing and binding appropriations. So 33 cents of what you pay for printing goes to pay for that before we get to pay the people that do the work and pay for the paper and pay for the ink.

INSPECTOR GENERAL

Mr. HONDA. Very quickly, with the Inspector General, how does that work? When they go into a functional mode, what is the frequency of their work load, how does it come about, who initiates it?

Mr. BOARMAN. The Public Printer by statute appoints an Inspector General, and then the IG is free to conduct any and all investigations relating to fraud, waste, or abuse in the agency.

Mr. HONDA. By whose direction?

Mr. BOARMAN. By statute, the IG can do that independently. The IG is under the supervision of the Public Printer, but it is clear in the statute that the IG is free to conduct any investigation that relates to fraud, waste and abuse.

As I said, we have twice as many as any other legislative branch agency, and we certainly aren't the largest agency. We are just around 2,200 employees, and I think the Library of Congress is around 3,600 people, and the GAO is around 3,200.

All of their Inspector General forces are significantly smaller than ours. Now, recently GPO's Inspector General resigned, and I have appointed an interim IG, because the resignation provided minimum notice and came as a surprise. I didn't know it was coming, so I have an interim person on duty, and we will initiate a search for a permanent Inspector General, a nationwide search to put someone into that position in the hopes that they would look at this overhead and other efficiency and effectiveness issues for us.

Mr. CRENSHAW. Mr. Bishop.

Mr. BISHOP. Thank you very much.

Mr. Boarman, I fully appreciate the worth and the value of your agency. You do what nobody else in the country does, and we appreciate that very much.

I was listening to you in response to Mr. Honda's questions talk about some of the ways that you could pass it on with the building space that you have unused, the security and the heating and air, but in each of these respects, you just pass those costs on to another agency. It is not really saving us money. It may be saving your particular budget money, but I think all or many of those come out of our appropriation anyway. So it is almost a pass-through, but understandably we have to work with efficiency.

DISCRIMATION COMPLAINTS

Let me go to another area. I understand that the Government Printing Office has experienced a significant number of discrimination complaints, particularly in fiscal year 2009, and most of the complaints were filed by African-American employees who accused officials of racial discrimination for denying pay increases or promotions. I understand that this subcommittee directed GPO to take aggressive steps to prevent discrimination in the workplace and to submit quarterly reports on your progress in reducing the number of equal employment opportunity complaints. Can you describe your efforts to decrease the amount of discrimination complaints, as well as your work to promote diversity in management at GPO?

Mr. BOARMAN. Well, it has been a significant problem for the agency over the years. And I think really the core of the problem, as I can understand it in the short time that I have been there, is a lack of understanding of how the employees feel when they don't get a promotion or they don't get a pay raise.

And the process that was in place was not a bad process, but I think it lacked a human touch. And so I have had meetings with all of the top managers within the different business operations, along with the head of our EEO Office, to describe to them what I would like to see happen over a period of time. More training is needed for our supervisors to be sensitive to these kinds of issues. And more importantly, when someone doesn't get a promotion, there should be a meaningful meeting with that individual to describe to them why they failed to meet the requirements and did not get the promotion and then offer them an opportunity to get the training necessary to be able to qualify the next time, rather than just say, we are sorry, you didn't make it, and good luck. And I think that is the way the agency has been operating.

So we are changing in that way. And I think we will see a big change in that.

The other aspect of this that bothers me is that there is a mediation aspect in the EEOC process that is rarely used. It is no cost to the employee to just move from the initial charge right into a formal charge, and so of those individuals who raised allegations of discrimination in 2010, all of them opted to use traditional EEO counseling instead of the mediation process, despite its success rate in the Federal sector in resolving disputes.

Now, at the end of the day, many of these charges are found to be without merit, either in court or before they get to court. And the employees feel cheated because they got involved in a process thinking that they were going to achieve something or get something out of it.

I firmly believe, because I have a background in negotiating and mediating, that they would get more out of the mediation process if there were a way to get them into it. And I think we have failed miserably as an agency in convincing people to take that step as part of the process, because I think that in mediation, they would see progress; they would see things happen for them that are good, rather than getting into the end of a legal process.

Mr. BISHOP. In the process, though, can't either side when there is an equal opportunity complaint, request mediation?

Mr. BOARMAN. No, I believe, and I will check on this, but I believe I am right in saying that it has to be both sides have to agree.

[Information for the record:]

If the aggrieved individual elects mediation in lieu of traditional EEO counseling, the agency official with authority to resolve the matter must participate in the mediation efforts.

Mr. BISHOP. And can the Equal Employment Opportunity Agency initiate mediation before they issue a right to sue letter?

Mr. BOARMAN. Well, I don't know the answer to that. You may be right. But evidently, it is not being used. It is not being utilized, because we end up in court in some cases, and it is very expensive. We have lawyers in the General Counsel's Office that work on this on a regular basis.

[Information for the record:]

If an individual files a formal complaint, they must exhaust administrative remedies before proceeding to court. The Equal Opportunity Commission requires that all federal agencies make available ADR during the pre-complaint and formal complaint stages of the EEO process. At the GPO, mediation is the technique utilized.

Mr. BISHOP. Which means that with your new approach, if the agency took the initiative to try to utilize a mediation or conciliation process, it could save a lot of expense of having the lawyers in court——

Mr. BOARMAN. I agree.

Mr. BISHOP [continuing]. All of this?

Mr. BOARMAN. I agree.

Mr. BISHOP. Not wasting everybody's time and the taxpayers' money, too.

Mr. BOARMAN. And that is what we are committed to doing.

FINANCIAL MEDIATION

Mr. BISHOP. How many complaints have you had to settle in terms of financial mediation?

Mr. BOARMAN. I don't have the answer to that.

[Information for the record:]

There have been no findings of discrimination by GPO issued by the Equal Employment Opportunity Commission in many years. However, GPO settled 10 EEO complaints during FY 2010. The settlements included remedies such as attorney's fees (7), award (1), leave restoration (3), lump sum payments (4), promotions (2), reassignment (3), and training (1).

Mr. BISHOP. Have there been any complaints where you have had to offer back pay?

Mr. SHERMAN. Yes, sir, there have been cases in the past where we have.

[Information for the record:]

While there have been cases in the past where back pay was awarded, no back pay was awarded in FY 2010 as a remedy during the administrative process. Settlements involving promotions have typically included a lump sum payment instead of back-pay awards.

Mr. BISHOP. Do you know about how many complaints and how much in terms of dollars? Did it come out of your budget, or did it come out of a judgment fund?

Mr. SHERMAN. Cases settled in court come out of the Justice Department judgment fund. Cases settled administratively come from GPO funds.

Mr. BOARMAN. There were some significant cases back in the 1970s and 1980s, and probably one of the largest EEOC cases of all time was the GPO.

Mr. BISHOP. I am looking at 2009, though. I am not trying to go back——

Mr. BOARMAN. But we can get that for the record.

Mr. BISHOP. Thank you.

[Information for the record:]

During FY 2010, GPO settled 10 EEO complaints. Some of these were settled at the administrative level, involving payments from GPO funds, and some were settled with payments from the Justice Department's Judgment Fund as the result of the cases being in district court. Total monetary benefits paid for administrative settlement were approximately $66,300, inclusive of lump sum payments and attorney fees and costs. Judgement Fund payments to settle cases during the same period totaled $150,000, inclusive of attorney fees.

Mr. CRENSHAW. Thank you, Mr. Bishop.

Now I would like to welcome Mrs. Emerson.

Mrs. EMERSON. Thank you, Mr. Chairman.

UNUSED OFFICE SPACE

It is nice to see you again, Mr. Boarman. A couple of questions I wanted to ask. Under the subcommittee I chair, Financial Services and General Government, I have the General Services Administration, and we always have issues with unused office space, and so I am curious, do you all work with GSA, or do you stay independent from them?

Mr. BOARMAN. No, we do not. We are a legislative branch agency, so we are independent of them.

Mrs. EMERSON. Right. But I think there is a way that you can work through them. I am not suggesting that or advocating that you do so because they have their own issues. But I was just curious as far as the——

Mr. BOARMAN. We would be open to certainly exploring that because I am very serious about this. I mean, I think it is one of our major overhead issues that we need to get our arms around. And we can move I believe the people that we have in these areas that are sort of rattling around into the other two buildings and make the space available. And from what I am seeing, Congress could use a lot more space.

Mrs. EMERSON. Well, even if Congress didn't use it, is there anything, any legal reason why an executive branch agency couldn't use some of the space?

Mr. BOARMAN. Without a statutory change, the only thing I can think of is we would have to get approval from the Joint Committee on Printing because they oversee us, and they have a final say, and they have to sign all contracts for us, so we would have to go there.

Mrs. EMERSON. The only reason I suggest that is because there are a lot of agencies that need extra office space, and it seems to me that if they could get it for a much more reasonable price through you——

Mr. BOARMAN. And within walking distance of the Capitol.

Mrs. EMERSON. Right. And I don't know that they care to see us too much, but that is besides the point. You know what I am saying. I am just thinking. If in fact you can get that kind of approval, it seems to me that then we are killing two birds with one stone, saving money and giving you some extra income that might be helpful. And I appreciate you looking in to seeing whether that would be possible.

Mr. BOARMAN. Thank you for that.

Mrs. EMERSON. You are most welcome. It is, you know, 100,000 square feet. There are other agencies who have leased that, probably 600,000 square feet in anticipation of something happening and sitting on it for a year, and that is just taxpayer money down the tubes.

Mr. BOARMAN. Right.

Mrs. EMERSON. I would love to be able to figure out how we can help you get this space done.

PRINTING FOR THE 2013 PRESIDENTIAL INAUGURATION

In your testimony, on page 6, we are talking about congressional printing and binding appropriation. And the increase there, at the bottom, you say of the increase, $1,400,000, is estimated to be required for work to support the 2013 Presidential Inauguration. So tell me, what in 2011, well, okay, fiscal year 2012, you are doing to prepare for the inauguration that you would need that money for.

Mr. BOARMAN. Well, first of all, as you know, the inauguration of the President is a congressional affair. I mean, the people lined up on the Mall and all the parties afterward that is something else.

Mrs. EMERSON. Believe me, I know. I lost my children during the last one.

Mr. BOARMAN. But the event that happens here at the Capitol is solely put on by the Joint Congressional Committee on Inaugural Ceremonies, and so we print for them. And we expect fully that perhaps as early as the spring of 2012 and certainly by early summer to be getting orders from them for printing. And of course, it is invitations. It is tickets. It is security ID badges. It is signs. It is a full gamut of things you would have for that kind of an affair. Last time we spent $1.4 million on that, and that was based on the orders that they gave us and the time restraints that we had to go through.

I think some of the security ID badges, which took a little more work, I think the U.S. Capitol Police may have picked up the tab for that, because these were unique. They had never been done before. The ID's had an ability for someone to read them with a reader right on the spot. So if you had someone, a sentry or a guard standing there, someone could come up and check their badge to see if they were legitimate. And we will be doing more of that I am sure, but that is generally what we do. We fully expect to be getting orders in 2012, and that is why it is in this budget.

Mrs. EMERSON. Except, forgive me for seeming ignorant here, but since we—I mean, let's just anticipate, for example, that President Obama will be reelected. Okay, so then we know that, but it is possible that he may not be. So how are you printing things when you don't know who the President is to be? I mean, I am just curious.

Mr. BOARMAN. Well, there are lots of things that obviously the Joint Committee does. We wouldn't have gotten work in June of 2008 if there wasn't work to be done. We don't put the President's name on all inaugural materials, but I can get you an answer for the record.

Mrs. EMERSON. Well, could you? I would just be curious, what things actually do get done in that budget? I am not—you know, because I don't know and I am curious, particularly since we have no clue who the President is going to be.

Mr. BOARMAN. Inaugural IDs, tickets, signs, and other materials. Anything that would not have the President's name on it, we would work on ahead of time.

Mrs. EMERSON. So just the big invite, I guess, because it has the names is what gets done at the last minute.

Mr. BOARMAN. There would be tickets probably that we would work on, signs, IDs, all of those kinds of things. Anything that they ask us to do, we do.

Mrs. EMERSON. Okay. Well, no, I mean, I couldn't quite remember if the President's name was on everything. I just imagined at least the invitation would have to have the President's name on it.

Mr. BOARMAN. That would be the last thing we would do, I am sure.

Mrs. EMERSON. And so you had a $1.39 million shortfall from last time?

Mr. BOARMAN. And that was because, we always estimate the printing that Congress is going to send us, and that is what we ask for in our appropriation. And then we got more requests for hearings and bills than anticipated, and that is what the $1.39 million represents.

Mrs. EMERSON. Okay. So that doesn't relate to the inaugural of 2008.

Mr. BOARMAN. No. There were two things, the inauguration costs and the printing that we did beyond what we were given appropriations for, based on the demands of Congress.

CONGRESSIONAL PRINTING

Mrs. EMERSON. Okay. Thanks. That clarifies that.

And then did you say, or I might have misheard you, in your oral testimony, did you say that if you can't do as much printing work as you are currently doing, then you can't pay for digital enhancements? Did I hear you say that correctly?

Mr. BOARMAN. Well, the way we bill the Congress is on print orders. And so if you are going to cut back the printing, we wouldn't be able to bill for the work that is done; and 70 percent of it is not printing. It is prepress. And so we actually bill Congress on a per-page cost. So I guess what we are asking for is for the committee to consider us billing Congress a different way, and we can work with the staff on that to get that done and get the appropriate language worked out.

Whatever the appropriation is, it is, but we want to be able to bill that appropriation for the work that is done. If we are asked to produce fewer copies, we still have to pay for the 70 percent to get it up online.

Mrs. EMERSON. So, in other words, we may not in fact, by passing the legislation we have to reduce printing operations, we are not necessarily saving money; is that what you are telling me, at the end of the day?

Mr. BOARMAN. Well, I think that some of it may actually cost you more money.

Mrs. EMERSON. Really?

Mr. BOARMAN. It depends on what the individual congressional offices do. If a Member and his or her staff has not used the Congressional Record on a daily basis other than on the screen, then they absolutely should cancel their subscription, which would save money.

But if they cancel it and then print it out or maybe half of it out every day over a period of time, it is going to cost the legislative branch. You know, it will save money over here, but it is sort of like the argument on the overhead. It is shifting it somewhere else.

Mrs. EMERSON. I understand that.

Mr. BOARMAN. That is the point I was trying to make.

Mrs. EMERSON. Thank you.

Thank you, Mr. Chairman.

Mr. CRENSHAW. I have just one more question. We have time for another round.

PRINTING EQUIPMENT

You mentioned that you pay for your equipment. I guess you have a revolving fund. And I just wonder, has that worked okay? I mean, is all your equipment up to speed, is your pricing structure adequate to make sure you can replace all your equipment and continue to do things in an efficient way?

Mr. BOARMAN. Well, our revolving fund is what we use to make our capital investments. Earlier this year we had about $12.8 million appropriated there, and that was mostly taken out in this last round of budget cuts, so it left us pretty high and dry for future investments in equipment. And we do need to do that. I mean, we have three old presses that are the work horses that every day produce hearings and bills. But they should have been replaced by now.

And there was a staff recommendation to do that last year, and it was not done. Now we are in a situation where the money has dried up. So we are going to have to work our way through all of the issues that I have talked about today in terms of overhead and try to get our arms around some savings and hopefully replenish the revolving fund to make some critically important investments.

We will be looking at equipment opportunities as they avail themselves, but we certainly need to at some point replace those presses. If printing loads drop, that would change the kind of press we would look at.

Mr. CRENSHAW. But so far, you are pretty up to speed?

Mr. BOARMAN. Well, we have all kinds of presses. I mean, we have presses that print envelopes, that print stationery, and other equipment.

Mr. CRENSHAW. Do you have any particular need right now, because what happened to that revolving fund? Who took it? Did we take it?

Mr. BOARMAN. Yes, sir, you took it.

Mr. CRENSHAW. Sorry about that.

Mr. BOARMAN. And that would have been helpful. Because it is exactly the money that we would have needed to probably buy two presses. These presses are very expensive. They cost anywhere from $4 million to $6 million apiece. And in this business, you can't just have one, because if one breaks down, so you need to order two. And when you order one, it could take you a year to 2 years before it is delivered, so it is a long process. So if we still had that money, we would probably be in the process of getting approval from the Joint Committee on Printing to purchase some new presses.

This is one of the things that I never quite understood for an operation this size: I cannot make a purchase for more than $50,000 without the Joint Committee on Printing approval, even if I have the money in my budget. In today's market, you can hardly buy a bunch of laser copiers for $50,000. And I have asked them continuously to push it up to at least $150,000 or $300,000, because for decent size equipment, you are talking about millions of dollars.

MANAGEMENT LEVELS

Mr. CRENSHAW. In terms of management, I hear from time to time criticism that you have a lot of levels of management within the folks that work there. Have you looked at that as a new guy, to see if all those levels are important? Are there ways to streamline that?

Mr. BOARMAN. Well, we did look at that, and what we found is that in the Federal Government, the ratio of supervisor-to-worker is about 12 percent, and we are just about at that level, so I don't think we are out of whack.

Now, having said that, I mean, I am constantly looking at ways to make economies. We have had four or five top SLS's who have left since January and voluntarily gone someplace else, and four of them were not replaced. And that is a savings of like $800,000 annually. SLS's are like $165,000 plus benefits, so each one of those is about $200,000. So I am looking at all that.

I tell you, in the production area, we only have about 800 people that do all of the production for the entire Government, not just for Congress, but for the Office of the Federal Register, which we do every day, and other agencies. We put that work up online as well. We do all the printing for the President. We do the budget for OMB. Of course, we contract out about 75 percent of what we take through the doors. But for production purposes for the entire Government, we have only got 800 people. And so 12 percent of that is supervisors.

And I have to tell you, when I go home at night knowing that Congress is in late, I can sleep because I know that those supervisors are going to make sure that that work gets done. I came in one morning after we had a bad ice storm, and I was very worried that we were going to be in trouble up here because we were running late. I got an e-mail, as I do every morning, from Lyle Green our Congressional Publishing Director, who is behind me, that the Record was going to be late; enough people could not get to work. And they normally come in under any circumstance, but this was an unbelievable ice storm.

And I went down to the bindery to see where we were, and there was my top operations guy on the end of the bindery taking Congressional Records off and stacking them on a pallet. So it is that supervisory core that knows how to push that work and will do whatever they have to, to make sure that Congress gets what you need, whether it is up online or ink on paper. So I don't think that we are—you know, I think we are right where we should be in that level. In the management ranks and maybe the white collar areas, I am looking at them, and maybe we can downsize there.

Mr. CRENSHAW. Thank you.

Mr. Honda.

Mr. HONDA. Thank you.

PERSONNEL GUIDELINES

Just to follow up on Mr. Bishop's question on the personnel and human resources areas. Are there written guidelines for management on what the process is in terms of announcements that are adequate so that people can look at it and bid for it? And in terms of the day-to-day work that management does, are there guidelines for them to be following in terms of how they operate and how they do business on a daily basis? Is there transparency, and is there some engagement of those that are being managed?

Mr. BOARMAN. Well, there are guidelines for everything. All our jobs are competitive, and they are open competed. Most of the jobs that open for promotion within GPO are limited to GPO employees, so it gives them a better chance. And occasionally we will open it government-wide if we need some special talents. But by and large, most of the promotions are able to bid in the competitive service by employees within GPO, and there are guidelines for all of that.

The guidelines are in typical Government language. Are they adequate to deal with the sensitivities that Mr. Bishop addressed? Probably not. And that is something that I am trying to work on. I think it is more of a human touch than regulation. I think the regulations are there. I think people need to be trained how to respond to the needs of people when they are disappointed and they are let down.

DIVERSITY

Mr. HONDA. On the human touch, I don't have an argument. But just quickly, off the top of your head, if you were to break down the staff, what is the demographic? What is the percentages of folks at the top?

Mr. BOARMAN. Well, we are highly a majority minority organization. About 58 percent of our employees are minorities, with about 54 percent African-American. And some of them hold very high level positions. My chief of staff, who basically runs the GPO on a daily basis, is an African-American woman and one of the finest people that works for me.

Mr. HONDA. Any Latinos?

Mr. BOARMAN. Well, I just hired an interim Inspector General who is a Latino. We have Latinos, yes, we do. We have Asian Americans.

Mr. HONDA. Let me just go through it. Asian Americans?

Mr. BOARMAN. Yes, we do.

Mr. HONDA. So, institutionally, then you are—you have a diverse group?

Mr. BOARMAN. Yes, though I think we could do a better job in some areas.

Mr. HONDA. So you can't say we do promotions internally, because when people do promotions internally if there is not a diverse population, then you have an institutionalized kind of setup.

Mr. BOARMAN. Most but not all promotions are internal, and we are very diverse.

Mr. HONDA. Okay. I will submit something in writing in terms of——

Mr. BOARMAN. I will be happy to do that.

Mr. HONDA [continuing]. the achievement of increased square footage efficiency. There are techniques. I would just be curious to have a discussion with you on how you can achieve that.

Mr. BOARMAN. I would be happy to do that.

Mr. HONDA. Mr. Chairman, thank you.

Mr. BOARMAN. And I would welcome the opportunity.

Mr. CRENSHAW. Mr. Bishop.

PAPER

Mr. BISHOP. It seems as if paper is under attack these days, and I think Mrs. Emerson referred to the Stop the Over-Printing Act that would end the requirement that GPO print hard copies of bills and resolutions. And earlier this year, the House also passed under suspension of the rules a measurement to reduce the Department of Defense printing and reproduction budget by 10 percent, which is supposed to save $357 million. I know that it appears that paper is going out of fashion. Is it really? Are there some areas where we will need to continue to have paper? And as we move into the future, 5 years, 10 years, what do you foresee how the future of paper, with regard to your agency and overall with regard to government?

Mr. BOARMAN. Well, I don't think Congress is ready to be paperless today or tomorrow. Ten years from now, I think that is certainly a possibility. I remember one day when you and I met off the House floor, I noticed that you had an iPad with you, and I use one every day, and I think that when that technology or something that replaces it that is even better and every Member of the House and every staff person has one, where you could actually sit on the floor of the House and page through a bill and find and search for what it is you are looking for, I think that paper is going to be less and less used.

But for archival purposes, I think you absolutely have to have paper copies. There is no assurance that any of this stuff that we are storing electronically will last for a hundred years. Paper and microfiche are the only proven archived mediums at this point.

Mr. BISHOP. Microfiche?

Mr. BOARMAN. Well, microfiche doesn't wear out, even though a lot of people don't use it. So I think paper is going to be around for archival purposes. I certainly hope so. There is a lot of libraries in remote areas in the country that can't afford the technology that is out there. And people go to those libraries to see what their Government is doing. And a lot of them are depository libraries, and we provide them with copies through the budget that you approve for us each year. So I think it is going to be around awhile. But I do think that when the technology continues to improve, I mean, there will be less and less demand from GPO to print for the Congress, and certainly 10 years out, that is a possibility.

WEB SITE

Mr. BISHOP. Well, one follow-up to that. A member of my staff has commented that the GPO Web site is very challenging to navigate, especially when it comes to searching for government documents. I have been asked to ask you whether there have been any efforts to streamline your Web site to make it more user-friendly.

Mr. BOARMAN. Well, I have heard that complaint before. Personally, I don't have an issue with it. I am able to navigate it.

Mr. BISHOP. You know what you are looking for.

Mr. BOARMAN. Yes, sir. But clearly, if people are having a problem with it, we have got to do better. GPO's chief information officer resigned about 2 weeks before I arrived who was responsible for the FDsys program, and I had a search, a nationwide search for a new CIO.

Mr. BISHOP. What program are you referring to?

Mr. BOARMAN. The FDsys, the Federal Digital System. And that is what is up online. We have GPO Access, which we began in 1994 and it will sunset at some point, and then we have FDsys, our new system and that is the future. And I think that is where the complaint is coming from, because I have heard that. For legislative tracking research that many congressional offices perform, the Library of Congress' THOMAS is clearly a good search engine. But remember, everything that THOMAS puts up comes from us; everything comes from us.

Mr. BISHOP. So they organize it better.

Mr. BOARMAN. Well, they do for certain needs that Congress has. But I am not sure that historically FDsys was supposed to do the job that THOMAS does. THOMAS has its place in Government, and ours serves the need for official, permanent access to Government publications. But you asked a good question, and it is something that we will be working on, and it is another challenge for us to make sure that we make FDsys more user-friendly. The fact that I can use it doesn't mean that everybody else can use it. And if we hear that, we are concerned about it, and we are going to work on it. Thank you for the question.

Mr. BISHOP. Thank you, Mr. Boarman.

Mr. CRENSHAW. I don't have any more questions.

Do other members have any more questions?

Mr. HONDA. The FD system, when you are going about reviewing the Web site, do you go through the process of understanding what approach you are going to use to design your Web site? The most recent process is called crowdsourcing. It is a more open source. And for a government agency, it seems like you might want to look at having the public participate in designing a Web site so that we might match up with what they are used to seeing, so you might want to have your staff look at that.

Mr. BOARMAN. We will look at that, and we would be pleased to have more discussions with you about that.

Mr. HONDA. Thank you.

Mr. CRENSHAW. Thank you, Mr. Boarman.

Mr. BOARMAN. Thank you, Mr. Chairman.

[Following are questions submitted to be answered for the record:]

QUESTIONS FOR THE RECORD FROM CHAIRMAN CRENSHAW

GPO MANAGEMENT

Question: Mr. Boarman, I know you have only been on the job a little over 4 months and you have realigned your organization so the Chief Financial Officer reports directly to you. I understand that in some parts of the organization the level of management from the first line supervisors to top management consists of many layers. These levels of management may or may not be necessary but none the less costly. Have you considered any other realignment of the organizational/management structure? What is the ratio of management and overhead to operational staffing? For example: In the plant production area you have Group Chief, Assistant Foreperson, Foreperson, Assistant Superintendent, Superintendent, Production Manager, Managing Director Plant Operations, Assistant Public Print (Operations) and the Public Printer. I understand that the Group Chief, Assistant Foreperson, and the Foreperson levels are working positions and aren't purely supervisory but none the less are for all practical purposes a supervisory level.

Response: With the exception of aligning our plant production and all other revenue-generating areas under a new Assistant Public Printer (Operations), the supervisory structure in our Plant Operations area is essentially as I found it when I arrived here 4 months ago.

GPO-wide, the current employee-to-supervisor ratio is 5.57 employees to one supervisor/ manager. For our blue- collar areas, we have 8.1 employees to one supervisor/manager in our engineering area (machinists, electricians, pipe and sheet metal, facilities support, etc.) and 7.6 employees to one supervisor/manager in our plant production operations which produce electronic and printed products. In the more manufacturing-intensive units of Press and Bindery where the greater number of Forepersons, Assistant Forepersons, and Group Chiefs are employed, this ratio is approximately one manager per 10 employees. The work centers employing the largest amounts of frontline supervisors are also the areas whose individual managers are responsible for the most employees on a per manager basis.

For the white collar areas at GPO, the most recent data shows 4.3 employees to one supervisor/manager. In some areas, such as GPO's Office of the Inspector General, there are even fewer non-supervisory employees per supervisor.

For the Federal Government as a whole, there are 8 non-supervisory employees to one supervisor/manager. This suggests that the number of supervisors in our production areas that are responsible for congressional work is on a par with the Federal average, while we have an excess of supervisors in our white collar areas.

ADDITIONAL REVENUE OPPORTUNITIES

Question: Mr. Boarman, you have stated that you are pursuing additional revenue opportunities, particularly in the field of secure credentialing, as well as increased utilization of your printing procurement capability by Federal agencies. First, I would like for you to tell us what other secure credentialing areas are you considering? Second, since the majority of your printing is procured for the Executive Branch of government, would it be more cost effective for the GSA to assume Executive Branch printing procurement? If not, other than the long standing history of the GPO procuring government printing, how is your organization performing this in the most cost effective manner for the American taxpayers?

Response: GPO plays a critical role in our nation's security by producing Secure Federal Credentials. We have manufactured the U.S. Passport for over 80 years. Since the electronic passport program began in 2005, we have made well over 65 million e-Passports for our customer, the Department of State. From the many successes and lessons learned from this program, the GPO built equipped and manned a Secure Credential Center (SCC) in our Washington DC facility to design, print, manufacture, personalize and distribute secure card credentials for other federal agency customers.

GPO has personalized over 1 million Trusted Traveler cards for the Department of Homeland Security, Customs and Border Protection. The success of our Secure Credential Programs proves that we can connect security printing with secure electronics to produce the most trusted credentials in Government.

GPO's secure credential design, production and personalization systems, facilities and equipment are certified ISO 9001 compliant to meet globally recognized standards of excellence in production and quality systems and controls. Additionally, GPO's SCC is certified by the General Services Administration as the only Federal facility qualified to graphically personalize HSPD-12 cards for other Federal agencies.

GPO is currently in talks with a number of Federal agencies regarding emerging requirements for smart cards, including the FBI, FAA, TSA, GSA, NASA, and USCIS. In addition, we are scheduled to begin providing the products shown below:

New and Emerging Smartcard Product Lines and Services

AGENCY	PRODUCT	LAUNCH	SERVICES
DHS	HSPD-12 Card Bodies Enhanced with GPO Security Printing	March 2011	Design, Print, Manufacture, Distribution
DC Government	DC One Card for DC residents	May 2011	Design, Print, Personalization, Distribution
DOS/ Office of Foreign Missions	Family of Diplomatic Credentials (Drivers License, Protocol and Tax Exempt cards)	June 2011	Design, Print, Manufacture, Personalization, Distribution
DOD/ Force Protection Agency	Pentagon Visitor Card	August 2011	Design, Print, Manufacture, Distribution
DOD/ Force Protection Agency	Pentagon Vendor Card	August 2011	Design, Print, Manufacture, Personalization,

			Distribution

Regarding printing procurement through the General Services Administration, there are a number of disadvantages. These were discussed at length throughout a variety of congressional hearings in the 1990s.

Procuring printing through GSA would break the efficient link between production and distribution of Government information products and services that is inherent in GPO. Creating a mechanism to ensure that all products and services procured by agencies through GSA are made available to depository libraries, placed on FDsys, properly cataloged and indexed by GPO, and otherwise made available to the public would be more costly than the current process where these functions are linked and centralized in GPO. This would result in great gaps in public access to Federal information.

GSA uses the Federal Acquisition Regulation (FAR) in conducting procurements. GPO utilizes its own Printing Procurement Regulation (PPR), which ensures a greater degree of flexibility and timeliness in printing procurements than the FAR. FAR procurements make provision for procurement set-asides through the Small Business Administration and for other reasons. GPO procurements have no such exceptions: all procurements are conducted on a purely competitive basis with the award going to the lowest, responsive, and responsible bidder. The FAR also makes Federal procurements available to competitors in NAFTA signatory nations. GPO's PPR has no such provision and operates under a Buy America Requirement.

GSA excels at buying "off-the-shelf" items. GPO, by contrast, is involved only in the procurement of printing, which is essentially a custom product since the specifications of each job vary widely, and it must be timely to have value. Buying printing is not like buying paper clips. A knowledge of printing requirements and processes is essential to ensuring the best possible value. GPO printing specifications are developed by knowledgeable printing experts.

Other factors distinguish GPO's procurement of printing from GSA. GPO's extensive database of compliance and quality history of all of the vendors makes make well-informed award decisions possible. This data also allows GPO to make the "best value" decision in a procurement. GSA does not have this data. GPO's procurements are value-added in that our legal staff specializes in printing cases and GPO printing experts go on press sheet inspections to ensure that the product GPO is buying is per the specifications, thus saving time and money in the long run should the job not be correct. Another cost savings is that GPO has experts in printing to prepare specifications in detail, thus eliminating the need for contractors to pad their bids/quotes to cover unknown costs, resulting in the lowest price to the Government.

Throughout the executive branch, there is already a substantial presence of Federal agency plants which produce printing in-house that is otherwise procurable through GPO at a savings of up to 50% over agency in-plant costs. As much as 50% of such printing may be procurable, representing a significant potential savings to taxpayers. That is how savings in the printing procurement program can be achieved. It's not clear how transferring printing procurement authority to GSA would have any more impact on this problem than retaining the current structure in GPO.

QUESTIONS FOR THE RECORD FROM MR. HONDA

CONGRESSIONAL PRINTING

Question: What is the environmental impact if Congress stops printing documents such as the Congressional Record? What is the percentage of recycled material in the paper used?

Response: GPO has been printing the Congressional Record on recycled paper for 20 years. From 1991 to 1997, we used 100% postconsumer waste recycled newsprint. From 1998 to 2009, we used 40% postconsumer waste recycled newsprints. GPO increased the postconsumer waste content of the newsprint used to print the Congressional Record in late 1999. Additionally, since 1994 GPO has used vegetable oil-based ink to print the Record, consistent with the requirement of the Vegetable Oil Printing Act of 1994.

FEDERAL DIGITAL SYSTEM

Question: The budget request includes $5 million for further development of FDsys. In Questions for the Record last year GPO stated that the FDsys cost projection done in April 2010 put the project total at $42 million, even though the initial cost estimate for the core functionality of FDsys was estimated in 2004 to be $29 million.

What is the current estimate of how much FDsys development will cost? If the subcommittee provides $5million in FY 2012 as requested how much more investment will be needed? Also, please explain how the cost jumped from $29 million to $42 million for this program?

Response: FDsys is foundationally complete with the conclusion of Release 1 and the assumption of GPO's System of Record in December 2010. Going forward, GPO will continue to perform adaptive and corrective maintenance as required to meet stakeholder needs. The amount of funding remaining to complete the system is directly tied to the functionality (requirements) that GPO's stakeholders require to be implemented. Based on the cost to deliver FDsys features identified by stakeholders, an additional $11.2 million will be required to deliver currently known features and requirements. In addition, an additional total of $3 million will be needed for technology refresh (hardware and software). The costs to operate the system are estimated at $2.5 million per year. In terms of the cost for this program, GPO acknowledges that initial program startup activities, including program realignment, caused initial and unexpected costs to be incurred. However, since GPO assumed the role of overall integrator in 2008, FDsys has been at or under allocated budget each year. Content migration activities also had a direct impact on program costs, as GPO converted and migrated content into FDsys to deliver effective content management and robust search. The cost for content migration alone was $11 million.

GPO POLICE

Question: At the public witness hearing last year it was clear there was major tension between GPO management and its police force. The GPO police union at the time believed that GPO was "dragging its feet" when it came to hiring. The last data obtained by the subcommittee last year showed that the police force strength started at nearly 36 FTE at the beginning of FY 2009 and dropped to 33 by the beginning of FY 2010. How many police are on board as of today?

Response: GPO currently has 48 Uniformed Police Officers and a Chief of Police.

INTERNATIONAL EXCHANGE PROGRAM

Question: The 2012 request includes an additional 2 staffers, for a total of 6 FTEs, for International Exchange. What does this program do? Also why are 2 additional staffers needed?

Response: Congress is the primary beneficiary of the International Exchange Program (IEP). Conducted pursuant to international convention as codified at 44 U.S.C. 1719, it is how the United States acquires the government publications and international treaties in force of other countries. GPO sends copies of core congressional and executive branch titles abroad to IEP participating nations designated by the Library of Congress (LOC). In return, these countries send copies of their important government publications to the LOC. These resources help maintain the universality of LOC's collections, as Dr. Billington has stated, and are important international materials for the use of Congress.

The increase in staff at GPO is associated with changes to the titles list that the LOC provides, involving the inclusion of more titles than previously processed. This has had an impact on administrative efforts, including cataloging, and frequency of shipments to IEP libraries. The FY 10 actual count of 4 FTE's was due to vacancies that we are in process of filling. These were vacant in part of FY 11. Our plan is to be fully staffed in FY 12 to support the program's needs.

LEGACY SYSTEMS MIGRATION AND DIGITIZATION COSTS

Question: The 2012 request includes a $500,000 increase for "legacy systems migration and modernization costs, as well as historical digitalization projects". Please detail the types of projects that require digitization. What is the impact if those documents are not digitized?

Response: Approximately $100,000 is required to support an ongoing collaboration with the Library of Congress to digitize historic printed issues of the *Congressional Record* dating to 1873. The funding will enable GPO to ingest this historic collection into FDsys and expand free electronic access and searchability for this content for Congress, Federal agencies, depository libraries, and the public. Lack of funding will delay this project, constraining electronic access and searchability for historic *Congressional Record* content.

The remainder of the request, approximately $400,000, is needed to complete the migration of critical legacy systems that are not currently supportable to a modern sustainable architecture. These systems include the Depository Distribution Information; Acquisitions, Classification and Shipment Information; Automated Depository Distribution; Item Lister; and Amendment to Item Selection systems. The modernization effort is called the "Library Information System Transformation (LIST) Project" and it is part of an ongoing effort for system modernization that has been funded in the past. The additional funding will also enable system interfaces between LIST and GPO's Integrated Library System (ILS). Lack of funding will result in project delays, and where legacy systems are concerned, will prolong the vulnerability of these dated systems to malfunction or breakdown, which would affect and impair public access to Government information through the Federal Depository Library Program.

WEDNESDAY, MAY 11, 2011.

CONGRESSIONAL BUDGET OFFICE

WITNESS

DOUG ELMENDORF, DIRECTOR

OPENING STATEMENT—CHAIRMAN CRENSHAW

Mr. CRENSHAW. Now I want to welcome Doug Elmendorf, the Director of the Congressional Budget Office. This year you requested about $46.9 million, and that is about the same as last year before we had a $100,000 rescission. And the committee should note that in fiscal year 2009, you received a $2 million supplemental that was available in fiscal years 2009, 2010 to help out with increased workload, with health care, and financial housing markets, et cetera.

Also, I want to thank you and your staff for the great job that you did on the fiscal year 2011 appropriations process. We all worked long and hard on that. And I especially want to thank Janet Airis and her staff for the unbelievable and outstanding job of scoring and support for our full committee, as well as the work that she did for the subcommittee.

Mr. HONDA. Are you looking for a raise, or what?

Mr. CRENSHAW. I am going to leave that to him. But with that, Mr. Honda, would you like to make an opening remark?

OPENING STATEMENT—MR. HONDA

Mr. HONDA. I just want to add my congratulations and thanks to the chairman's thanks. We did an internet news search on the term "Congressional Budget Office" and found nearly 1,000 hits in reference to your agency, half of which was saying you were overestimating, the other half said were you underestimating. So that showed us that you were——

Dr. ELMENDORF. We cannot win!

Mr. HONDA. Your function, as it should be, as an independent, nonpartisan group.

I was just thinking about how to create a metaphor for your office. The only thing I could think of was Moses. You know, he had a brother named Aaron, and Aaron always helped Moses out, such as keeping his hand up with the staff in his hand so the Red Sea would part. We never hear much about him except for that. The term "I am my brother's keeper," and, yes, you are. And sometimes you say, he ain't heavy, he is my brother. So you have got all kinds of metaphors, at least in my head, in appreciation. I think that sometimes goes unsaid. And we place upon you a lot of burdens, and after you do that, we either whip you or we do not even pay attention to you. So for being what do you call this, abusive parents, I want to thank you for doing your job everytime we ask. And I look forward to your testimony.

Thank you, Mr. Chairman.

Mr. CRENSHAW. Mr. Elmendorf, as you know, these are difficult economic times. We talked about that before. I note that your request is pretty much the same as last year. So I look forward to hearing your testimony. Your full statement will be inserted in the record.

Dr. ELMENDORF. Thank you.

OPENING STATEMENT—DR. ELMENDORF

I should start by saying that Janet Airis and her team are terrific analysts, and I am proud to be their colleague.

Mr. Chairman, Congressman Honda, Congresswoman Emerson, as you know, CBO's mission is to provide the Congress with objective, impartial analysis of budget and economic issues. In fulfilling that mission, we depend on a highly skilled workforce. And roughly 90 percent of our budget represents compensation for our staff. Therefore, as you discuss the appropriate size of CBO's budget, you are effectively discussing how large a budget office you want to have. And that depends in turn on the amount and types of estimates and other analysis that you want to receive from us.

We do not expect and are not requesting to be spared from the budget stringency facing the rest of the Federal Government, but the challenge we face every day is that requests for our estimates and analysis exceeds our ability to produce them. So I do not want to pretend that CBO could do more or even the same amount for Congress with fewer resources.

Each year we produce about 650 formal cost estimates, but those are just the tip of the iceberg, because more and more we are being asked to provide informal estimates of proposals, both at early stages of the legislative process and later for floor amendments. Those informal estimates number in the thousands.

Each year we also release about 100 analytical reports and other publications that support those cost estimates, including our budget and economic outlooks, our analysis of the President's budget, our long-term budget outlook, monthly budget reviews, and in-depth analyses of a broad range of policy issues, including health care delivery and financing, policies for increasing economic growth and employment, tax reform, and defense policy.

In addition, our work is becoming more difficult and time-consuming because of the increasing complexity of the analysis that Congress is asking us to do. One important example is health care. Current law now includes a complicated combination of programs meant to provide insurance coverage and influence the delivery of health care. Estimating the costs of those programs and proposals to change those programs is even more daunting now than it was a few years ago.

Another example of increasing complexity is the financial area. The conservatorship of Fannie Mae and Freddie Mac, the passage of the Dodd-Frank bill, and other policies have greatly increased the government's involvement in the financial sector, again making budget estimates and other analyses much more challenging for us.

And the third example is increasing demand for long-term estimates. To examine the effects of extending expiring tax provisions or the effects of proposals to correct a very large long-term fiscal imbalance, we have had to do new thinking and new modeling to extend our analyses decades into the future.

The Congress boosted CBO's resources in 2009 and 2010 to enable us to better address health care and then also financial issues without sacrificing other work we do. This was part of a multiyear plan to boost staffing from about 230 people to about 260 people, but we have now changed course. CBO's proposed budget for next fiscal year, $46.9 million, is roughly equal to the resources that were available to us in 2010 and again in this year, 2011. This budget scales back the multiyear staffing plan to just above 250 employees. It also includes significant restraint in salaries and spending on information technology, neither of which could be sustained indefinitely. If the Congress were to approve a smaller budget for CBO, we would defer still more IT purchases, not buy some data we would otherwise use in our analyses, and cut back on training. However, we would also need to reduce the number of people at CBO, limiting the estimates and other information we could give to the Congress.

The cut in staffing might be larger than you would expect. For example, a 5 percent cut in funding would allow us to average about 240 people over the coming year. But we would need to finish the year less than 240 due to the fact that we would start the year with more than 240. And that path of declining staffing would be nearly as fast as natural attrition, meaning we would be able to hire few, if any, new analysts. As a result, not only would we have fewer staff, their skills and expertise might not be well matched to the Congress' needs.

In closing, I want to thank the committee for the support it has provided CBO for many years, and especially in the past few years. The people at CBO understand well or better than anybody the challenge you face in setting appropriations for CBO and for the rest of the Federal Government, and we are committed to doing the best possible job with whatever resources you provide.

Thank you.

Mr. CRENSHAW. Well, thank you very much.

The prepared statement of the Director of CBO follows:

Congressional Budget Office

Testimony

Statement of
Douglas W. Elmendorf
Director

Appropriation Request for Fiscal Year 2012

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

May 11, 2011

This document is embargoed until it is delivered at 10:30 a.m. (EDT) on Wednesday, May 11, 2011. The contents may not be published, transmitted, or otherwise communicated by any print, broadcast, or electronic media before that time.

CONGRESSIONAL BUDGET OFFICE
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WASHINGTON, D.C. 20515

Mr. Chairman, Ranking Member Honda, and Members of the Subcommittee, thank you for the opportunity to present the Congressional Budget Office's (CBO's) budget request for fiscal year 2012.

CBO's mission is to provide the Congress with objective, impartial analyses of budget and economic issues, including the information and cost estimates needed for the Congressional budget process. In fulfilling that mission, CBO depends on a highly skilled workforce. Roughly 90 percent of CBO's budget represents compensation for the agency's staff, about 5 percent is for IT (information technology) equipment and services, and the remainder is for training, office supplies, and related items. Therefore, the contours of CBO's budget and the agency's staffing level are closely linked.

CBO's proposed budget for fiscal year 2012—$46.9 million—is roughly equal to the total resources that were available to the agency in 2010 and 2011. This proposal scales back the multiyear staffing plan that was the basis for the agency's 2011 budget request. Even with a reduction in proposed staffing, supporting the work of the agency in 2012 with the same resources provided in 2010 and 2011 would be possible only by restraining salaries and spending on IT. Neither of those two actions can be sustained indefinitely without diminishing the support that CBO provides to the Congress.

Recent Funding History

Between fiscal year 2001 and fiscal year 2008, the number of full-time-equivalent positions (FTEs) at CBO averaged 230, and the number varied little from year to year. In 2008, however, CBO became concerned that it did not have sufficient resources to analyze policy changes regarding the delivery and financing of health care that were emerging as a critical issue in the Congress. In addition, the agency was delivering an increasing number of testimonies and formal cost estimates and engaging in a growing amount of informal communication with Congressional staff on a wide range of topics, so shifting a significant number of positions from other areas in order to analyze health care proposals did not seem feasible.

Accordingly, CBO proposed to the Congress a multiyear plan to boost the size of the agency to 259 FTEs, an increase of a little more than 10 percent. The Congress approved the first leg of the proposed increase in CBO's fiscal year 2009 budget, and the agency averaged 242 FTEs that year. As expected, analyzing competing health care proposals absorbed a huge share of CBO's resources. At the same time, the financial crisis led to a jump in the federal government's involvement in the financial sector (including the creation of the Troubled Asset Relief Program, the conservatorship of Fannie Mae and Freddie Mac, and expanded activities of the Federal Reserve and the Federal Deposit Insurance Corporation), which increased Congressional demand for analyses, budget projections, and cost estimates in that area. Consequently, during the course of fiscal year 2009, the Congress approved a two-year supplemental appropriation of $2.0 million, aimed particularly at enhancing CBO's ability to analyze complex health care proposals. Of that amount, CBO used about $0.3 million during fiscal year 2009 and the remaining $1.7 million in 2010.

For fiscal year 2010, the Congress approved an appropriation of $45.2 million for CBO. That amount was $1.2 million less than the agency's request for that year, reflecting the availability of funds from the 2009 supplemental appropriation. The total funding of $46.9 million—$45.2 million from the regular appropriation and $1.7 million from the earlier supplemental appropriation—was intended to support an additional 12 FTEs "to increase CBO's capacity to analyze health care policy, financial and housing markets, and other areas of high Congressional interest." Accordingly, CBO averaged about 250 FTEs during fiscal year 2010.

In the final continuing resolution for fiscal year 2011, CBO received $46.8 million, slightly less than the total funding provided for 2010. CBO has limited its hiring this year and has not filled a number of vacancies; it anticipates averaging about 248 FTEs for the year.

Some Details of CBO's Fiscal Year 2012 Budget Request

In fiscal year 2012, CBO will continue to focus on its core functions of providing nonpartisan budgetary and economic information and analyses to the Congress, including budget and economic outlook reports, an analysis of the President's budget, long-term budgetary projections, cost estimates, mandate statements, and score-keeping reports. In addition, CBO will continue to prepare in-depth analyses of a broad range of program and policy issues, as requested by committees or Members.

The specific issues that the Congress will be addressing in 2012 will, of course, depend on circumstances at the time, but CBO's analyses are likely to include work on health care, policies for increasing economic growth and employment, energy policy, tax reform, immigration issues, infrastructure, defense policy, the government's role in financial markets, and proposals to address the long-term budgetary imbalance. The enactment last year of significant health care legislation has made CBO's regular budget projections and analyses of most health care proposals much more complex than had previously been the case. Moreover, the demand for analysis of new health care proposals has abated only a little. In addition, the depth and duration of the economic downturn, as well as the surge in federal debt and projected deficits, have led the Congress to ask CBO for more analyses on a range of economic and budgetary issues. Accordingly, the agency will devote effort to further improving its long-term analyses of legislative proposals for health care, Social Security, and broad fiscal policy changes by continuing to develop its budgetary and economic models.

CBO anticipates a workload of roughly 650 formal cost estimates (most of which include both estimates of federal costs of legislation and assessments of the cost of mandates in the legislation that would affect state, local, and tribal governments or the private sector) and thousands of informal estimates; approximately 100 analytical reports along with other publications; and a substantial schedule of Congressional testimonies. The formal estimates are just the tip of the iceberg because, more and more, CBO is being asked for informal estimates of the budgetary impact of proposals at early stages in the legislative process and of potential floor amendments.

Recognizing the likely stringency of appropriations for fiscal year 2012, CBO proposes to cut short the planned multiyear increase in CBO staff and to aim for 254 FTEs in the coming year. In addition, consistent with the rest of the federal government, CBO is not providing any across-the-board increase in salaries for employees in calendar years 2011 or 2012 and has reduced the size of performance-based pay raises.

Specifically, CBO's request supports the following:

- $32.2 million for personnel compensation;
- $10.4 million for personnel benefits; and
- $4.3 million for services, equipment, training, and supplies.

Funding at this level would enable CBO to continue to provide the kinds and quantity of estimates and analyses that the agency has been producing for the Congress during the past two years.

In closing, I would like to thank the Committee for the support it has provided CBO, enabling the agency to carry out its responsibilities to provide budgetary and economic information to the Congress.

STATUTORY REQUIREMENTS

Mr. CRENSHAW. You mentioned that 90 percent of your budget is people, if you have less money, you will have less people, and you will be able to produce less work product. I want to probe a little bit into where the demands for those products come from. Are they statutory? Do we write in the statute we have to have this? Like, for instance, health care, as we were developing legislation, I am sure that is one of the reasons there was some additional money appropriated, again on account of you had to do a lot of work on the front end of that. You mentioned that even now that it is law, you still have got a lot of things because it is so complex.

But is there ever a time when you say, okay, there was a crunch time in terms of health care, but now that it is in fact a law, there will be things you need to do along the way, talk about that. Is there always some crisis that you have got to deal with? Are a lot of those crises produced by us and do we write in the statute that you have to file quarterly reports or do whatever? Or is a lot of that what you decide? Talk about how much of that is driven internally and how much is driven by us when we ask you to do something.

Dr. ELMENDORF. So I have been Director for a little over 2 years, and it does feel to me like one big, long crisis period. I think a few thoughts. Some of our products are specified in statute. We are supposed to produce cost estimates for every piece of legislation reported out of committee, and we get to about 99 percent of those. We are required to produce outlooks for the budget and the economy by statute. We are required by statute to issue statements assessing the effects of mandates in legislation on State, local, and tribal governments, or on the private sector. We are now required, because of the PAYGO legislation, to submit additional estimates for inclusion in the Congressional Record before the House or the Senate vote on legislation, and we did about 150 of those last year.

So some of these things are directly out of statute. I think almost all the rest comes from requests. By statute, we serve the Budget Committees first, and then the appropriators, and Ways and Means Committee or Finance Committee on the Senate side, and other committees beyond that. And anybody on those committees will tell you that we are behind in addressing the questions they are asking us. And I think it is partly that there are—the country faces very serious economic and budget challenges. This has been the worst economic downturn since the Depression, the worst financial crisis since the Depression. The budget deficits are the largest they have been since the Second World War. The long-term budget outlook is as dark as it has ever been. So these are very real problems.

And I do not want to suggest that the questions we are being asked are in any sense unreasonable. They are all quite reasonable. But the problems are really across the board—the topics that we work on. And I think there are many alternative ways of proceeding—different Members of Congress have different views, but also individual Members or individual committees are interested in exploring the effects of trying this or trying that or a third thing. So we do estimates of many alternatives, usually before one is chosen by a committee to proceed.

And I think again, as I mentioned in my remarks, just the complexity of these issues. So if you are thinking of trying to reduce health care spending, cutting payments to providers in Medicare by just passing a different formula, that is fairly straightforward. But if you want to know what happens if you change the way you pay providers, you pay them through groups, not individual procedures, well, that is a whole different sort of world that we have to understand, work with outside experts to model. And if you ask even if you cut payments to providers, well, what happens to the access to medical care? We do not model that very well yet either, and that is a crucially important question.

So I think it is both the sort of state of the world, the legitimate interests on the part of Members of Congress in exploring alternative policies, and getting our views about the effects they would have, and then just the complexity of the issues that you are facing and we are trying to help you with.

Mr. CRENSHAW. For instance, can an individual Member request you to do a study as opposed to a committee or subcommittee?

Dr. ELMENDORF. Individual Members can ask, and we will try. I think as a practical matter we almost never get to projects that are not requested by either the chair or the ranking member of one of the key committees.

Mr. CRENSHAW. For instance the Architect of the Capitol has got a lot of projects he needs to get done, so he prioritizes them. Certain things are more important than others. And I am just wondering, if you are always pretty well pushed, is there a way that we can help you prioritize?

Maybe it is a hard question to answer, but sometimes you might have an opinion as to how important the statutory requirement is as opposed to—maybe that is something you do not want to comment on in the sense that—but there are probably things that you see statutorily and say, well, that may or may not be as important as something else. And on the other hand, if you got a committee chairman, committee staff, or committees requesting those, you probably find some you would think are more important than others. But I know that is hard for you to make that decision.

Is there a way that we can help you prioritize the projects that you are given so that you are not faced with just this overrun of requests?

Dr. ELMENDORF. As you understand, we try hard not to make it our judgment as to what is important. It is the Members' judgments of what is important. And we do look to the Budget Committees, who are our lead committees, for their guidance on that. We look to the leadership in some cases. And we just work our way down the order of the committees.

We also, of course, are trying to balance majority and minority requests on both the House and Senate side. For example, I meet with our health managers once a week, more often at some points, and we have often a spreadsheet that has columns for the House Republicans and the House Democrats, and the Senate Republicans and Senate Democrats, and make sure we are making appropriate progress on all of those columns.

I think the cases that are hardest for us are when there is sort of—when the doors are flung open for the purest sort of democracy.

So the process now in the House sometimes of allowing a vast number of amendments on the floor is very difficult for us because we estimated the effects of literally hundreds of amendments in the week in which the appropriations bill was being debated, H.R. 1, but we did not get to everything.

And that is the hardest for us, because it is not obvious what the priorities should be. And we try; we want to sort of get to as many things as we can. But in the end we look to the committees, and we look to leadership. And I think we are mostly effective at hitting the highest-priority items, but nonetheless I get a lot of phone calls from legitimately frustrated Members of Congress with interesting ideas that we would love to work on that we just do not have a chance to.

Mr. CRENSHAW. So it might be appropriate for us as Members, when we may ask you to do more with less, we might also think about how we can do more with less as well and not make the demands on you, recognizing that the resources may or may not be there.

Dr. ELMENDORF. Yes.

Mr. CRENSHAW. Thank you.

Mr. Honda.

Mr. HONDA. Thank you.

BUYING DATA

In light of the inquiry, I guess, put another way, to become a little bit more thoughtful and responsible for information that we ask in light of the constraints that you may have.

I was wondering, you said that at certain times you have to buy data. One question would be at what point—what kind of data do you go after when you have to buy something? And is it something that you could do if you had the equipment, the IT equipment, the technological equipment? And it seems to me that having the right kinds of computational power and the ability to come up with answers to complicated questions using technology must exist out there. And I was wondering whether you thought of ways to address that not only through CBO, but maybe a bank of equipment that a variety of agencies can use and access. Like in our area, Silicon Valley, we have a supercomputer that we go to, but it is open to folks from NASA and everybody else that we can reduce years of computations. Can you help me out with that information?

Dr. ELMENDORF. Yes. So one thing we used the supplemental appropriation for, the chairman mentioned earlier, was to buy faster computers so we could run alternative policies through our health insurance simulation models in less time. That made a real difference in the turnaround that we could give to the committees working on health issues.

It did not so much save us time, though, in a way. What it meant was that an analyst who started something running at 6 o'clock at night could check again at 9:00 and get the answer instead of being able to go to bed and get up in the morning and see the answer. So we were able to analyze more variants on the proposals. I think that was useful. I hope it was useful for the congressional process. But it did not really substitute away from our needing the analyst to do the work.

I do not think we need supercomputers. We do look to whether we need faster computers in certain areas, and that helps. We are not doing things that are quite as complicated as that.

We buy data of different sorts. We buy data in the health area on surveys the health care people get. We buy data on prescription drugs, which is obviously an important part of the Federal health programs at this point. We buy data in the financial area to do analyses. And as we do work on the costs to the government of Fannie Mae and Freddie Mac, or the cost of the FHA, the Federal Housing Administration, programs, we benefit from data we buy on mortgages. So there are a number of different areas.

On many other areas, of course, we use data the government collects and publishes for free, but there are some areas where we need data that we buy. And if we have less money, then we put off the buying. And I am not going to pretend that for any given year that is the end of the world. Obviously, if you go out a number of years and do not do that, then you are operating off a base of information that is old, and that runs a risk of our producing misleading information for you.

Mr. HONDA. Okay. Thank you.

Mr. CRENSHAW. Mrs. Emerson.

PROJECTING BUDGET NUMBERS

Mrs. EMERSON. Thanks so much for being here, and thanks for the work you all do. I know you are overworked all the time.

Would you do me a favor and walk me through the process of projecting budget numbers for a 10-year period? Simply because given the way Congress works, we change our minds every 2 years. And so, you know, any analysis that you do is—I mean, it is going to change. So, I mean, I am just curious if you would not mind walking me through that process.

Dr. ELMENDORF. So we start with an economic forecast. So we start by forming a judgment about what GDP growth will be, what inflation will be, what the unemployment rate will be, and we take that out usually a few years in the near term. It will depend a lot on the state of the business cycle that we are in; obviously bad now, booming at other times. Beyond the first few years, it generally depends more on what economists think of as the supply of goods and services in the economy. It is how hard people are going to work, how much saving there will be, and thus how much capital stock there will be for workers to work with and those sorts of things.

Mrs. EMERSON. So is there some subjectivity in this, though, however, because it depends on from whom you are grabbing your data, if you will?

Dr. ELMENDORF. There is a great deal of subjectivity. I worked in economic forecasting for the Federal Reserve for a number of years, and, you know, there is a lot of analysis that has been done that we build on, but tremendous uncertainty. We actually publish every year a report on the accuracy of our economic forecasts, and we are about as good as private forecasters. And whether one views that as an accomplishment or an admission of weakness, I do not know.

And then on the economic projections, then we build budget projections. And we build them with tremendous knowledge of individual programs. So we have a lot of analysts who know more than I could master in 10 years about how certain programs work. And we look at recent trends in spending. Medicare payments slowed last year. We are not quite sure why. So we have a little slower growth in the next few years, but then we have the growth rate rebounding to more of a longer historical average, and we will discover whether that turns out to be right or wrong. In fact, as you mentioned, we won't really discover because you and your colleagues will have changed the law again. So we can't actually do systematic analysis of the budget projections because they are all conditioned on current law, and the law almost always changes.

Mrs. EMERSON. So if it is difficult to project what is going to happen within 10 years, how the heck can you possibly do it for anything beyond 10 years and even be able to look somebody straight in the eye and say, this is what is going to happen? I mean, how can you do that? I am not suggesting that you are doing it. I would not be able to say to my constituents this is what is going to happen in 10 years from now. Heck, they just blew the levee up in my congressional district last week.

Dr. ELMENDORF. I am sorry.

Mrs. EMERSON. Thanks. It is a horrible situation. But no one would have expected that.

Dr. ELMENDORF. So I think that any forecast that we offer even within the 10 years, and certainly beyond that, should be taken with some grains of salt. You and none of your colleagues should become committed to any particular number that we write down because the uncertainty is very large. And almost always when I end up testifying about our analysis, I end up talking about the uncertainty of everything that we do.

At the same time, I do not think it would be right for us to just say it is so uncertain, we should not tell you anything, because I think that you and your colleagues are worrying about the long-term consequences of plans that are being enacted now, and I think we can give you at least a qualitative sense—we often write down some kind of number, but you should take it as a qualitative sense of what certain policies would do.

Mrs. EMERSON. I mean, heaven forbid that we could do this in the Congress, but would it be helpful for us to actually try to write laws—let us say we want to make some changes, we want to do tax reform, and let us just say we want to do it on a bipartisan basis. Would it be to our advantage, as hard as it might be, to actually do a 5-year bill so that we could make—you know, so that we did not—or we were not tempted to make changes every 2 years, so the businesses actually perhaps had 5 years to make a business plan, which is what I used to do the in the private sector? But it is impossible to do that anymore.

Dr. ELMENDORF. I think from an economic point of view uncertainty about government policies is a problem. It is a problem for government bureaucrats like myself in trying to plan what our agency does, and it is certainly a problem for businesses and households to not know what the Tax Code will be like in a year or 2 or 3 or 4.

I think traditionally, when you and your colleagues vote on tax policy, you vote on permanent changes that are meant to be lasting even if they are often revisited. I think the problem is even harder now because there are so many features of the Tax Code that are scheduled to expire at the end of this year, or the end of next year, or so on, or that have recently expired, and people are still hoping to continue them, and that has made the problem much worse. It is hard for us. You cannot vote in this Congress to bind the actions of a subsequent Congress. So the 113th and 114th and 115th Congresses will work their will.

I think the biggest thing that you and your colleagues could do that would be good for the economy would be to enact fewer things that expire that you do not really intend to let expire, but that you are sort of admitting you are going to come back and revisit.

Mrs. EMERSON. But given all of that which you just said, then how is it ever possible to even give us a projection knowing that, you know, every Congress has its idiosyncrasies, if you will?

Dr. ELMENDORF. So one thing we are trying to do more of, I think, is to give you alternative projections with different assumptions. So our baseline has a formal meaning, and was originally written into law, will follow current law, and I think that is appropriate. But we are more and more offering alternative scenarios, not recommendations from us, not predictions of what you will do, but just to give you a sense of what would happen under some alternative policies that a lot of people in the Congress are talking about.

So if you look at our budget and economic outlook from this past January, in addition to the baseline, we have a table which lays out a number of alternatives about tax policy and discretionary appropriations. And then we pulled a few of those items out and drew some pictures and summarized the effects. So we looked at what would happen to the budget over the next decade if the 2001 and 2003 tax cuts were extended indefinitely, if the AMT was indexed indefinitely, if the Medicare payments to doctors were moved up from the big cuts that are in current law. We picked those items because those are the ones that most people talk a lot about wanting to extend.

And so we show you two lines, and to give you a sense about just how sensitive the projections are of the choices that you will make. But certainly you will end up making choices that will be neither of those lines, and maybe in some different direction that we cannot foresee.

Mrs. EMERSON. Right. Sorry to go off on that, but I just wanted a sense because it is tough to make decisions. And then I am looking through your budget justifications and all these things on which you are working, and lots of things which really interest me, but——

Dr. ELMENDORF. Good. We try. The problem is the world changes, and you and your colleagues' interests change. And we try to move with that in the work that we do.

Mrs. EMERSON. Well, you do a good job even if sometimes we don't agree with the information that you give us. I know how difficult it is. I mean, we can be all realistic. It is like OMB. We don't like what OMB does either in many cases, but that is because we are appropriators. An appropriator-OMB issue always.

But seriously, I know you and your team are greatly overworked, and I just appreciate the long hours and sometimes probably crazy things that we ask you all to do. So thank you.

Dr. ELMENDORF. Thank you, Congresswoman. I will tell my folks.

Mr. CRENSHAW. Mr. Bishop.

Mr. BISHOP. Thank you very much.

PRIORITIES

Dr. Elmendorf, I have listened to you with amazement. I have watched the operations of your office, and you do a phenomenal job. But I really appreciate the attitude with which you have come to the committee this morning, indicating that you are willing to take cuts just like everybody else, but these cuts also have consequences; and that if we do not have what we think we need to work with, it means that we will not be able to present the work product to you that you may have requested us to do, but we will do whatever you ask with what we have to work with. I appreciate that very much.

But as a Congress that is made up of lay people who come from so many various walks of life, in order for us to do justice to the responsibilities that we have to the American people, we have to have some accomplice, some organization, some entity that can keep us grounded. And your office is, I think, one of those agencies that is there to help us do right by the American people, if we have the will to do so, by giving us as much information as we can to make good, real-time decisions.

So I am of the opinion that we have got to establish priorities as we make our budget cuts, because we have got to have fiscal responsibility, and we have got to eliminate the crisis that we are facing now with the deficit. But in order for us to do that, we have got to have the tools. And it seems to me that CBO is an essential tool. And if we shortchange CBO and treat CBO just as we treat all of the other agencies which we expect to tighten their belts—and I remind you, I know that there must be some efficiencies that you can find. But by and large, I just do not feel comfortable dulling the sharp-edged tool that you are by failing to give you fully what you need to keep us responsible to the American people. And I am close to the opinion that it would be a dereliction of our duty to tie your hands, because you are the person that removes the blinders from our eyes that we can see clearly what the effect of our actions will be to the extent that you can make those prognostications.

So I am very, very concerned. And this is not a question, but I am very concerned. And I am just saying for the subcommittee that maybe this is one place where we ought to say, no, we ought not to cut this agency as hard as we may initially have thought we should, because, I mean, this is the brains of the operation. This is the accomplice without which I think we would be lost.

With that, I yield back, Mr. Chairman.

Mr. CRENSHAW. I do not have any more questions.

Mr. Honda, do you have any?

Mr. HONDA. No, except to say that I believe the fact that the CBO and the police department has been the two departments that we see as very important in functions for us, that to push ahead as best it is.

Just to piggyback on Mrs. Emerson's comments, though, there is some real sensibility to looking at more than a 1-year budget process. And there will probably be ways to do a multiyear budget process where you have at least some targets and some understanding of where you want to be with our resources, and given changes in the landscape, that allows us to adjust accordingly. But the certainty is certainly something that I think the country needs. The people have to have some sense. And I think what she has talked about makes a lot of sense.

I know that we cannot bind future Congresses, but we do. We do it in a lot of different ways. But I think trying to figure out how to put our monetary and fiduciary kinds of responsibilities in place so that it is predictable, and if we do make changes, we know the impacts of the overall plan when it does happen. So I think that is probably something that bears a lot more time to think about and think it through.

The city of Sunnyvale, CA they have a 10-year plan in terms of budget. You want to make changes to it, you can, but you will know its impact on different parts of the city's plan. It is probably one of the best-run cities. Of course, it is a smaller subject area, but certainly the concept is applicable.

I just wanted to make a comment about Mrs. Emerson's comments. With that, I just want to thank you for your service. And I align myself with Mr. Bishop and Mr. Crenshaw's comments about the service that your organization makes. I still think that we are our brother's keepers, and I am glad you are around. Thank you.

Mr. CRENSHAW. Thank you so much for being here today, for your testimony, for all the work that you provide. I appreciate it very much. Thank you.

Dr. ELMENDORF. Thank you for your kind words and your support.

[Questions for the record follow:]

QUESTIONS FOR THE RECORD FROM CHAIRMAN CRENSHAW

Statutory Requirements

Your justification states that CBO will soon release a new volume of policy options for reducing future budget deficits, including estimates and brief descriptions of the advantages and disadvantages of more than a hundred specific options. Is this something that was legislatively mandated or was this self initiated work?

Answer: CBO's volume on budget options is one of several reports that the agency produces regularly for the House and Senate Committees on the Budget as part of its responsibilities under section 202 of the Congressional Budget Act of 1974.

Also, you state that the work will probably include analysis of the budgetary, economic, and distributional effects of such proposals. Is this "probably" work you will be doing or do you have some specific mandates that you need to address?

Answer: That statement in the budget justification referred to work CBO anticipated undertaking that would involve "formal cost estimates and rough analyses of deficit-reduction proposals from the Congress." Formal cost estimates may be required if and when such legislation is considered by the Congress. Other types of estimates and analyses will be done if requested by Congressional committees or the leadership of the House or Senate. CBO has, in fact, received inquiries about the possible economic and distributional effects of deficit-reduction proposals.

CBO Supplemental Funds

In fiscal year 2009 the CBO received a supplemental appropriation of $2 million dollars. These funds were available for a two year period. For the record provide, by object class, a detailed report showing how these funds were expended?

Supplemental Funds
(Dollars in Millions)

ITEM	Amount
11.1 Full-Time Permanent Positions	$0.2
11.3 Other Than Full-Time Permanent	0.1
11.5 Other Personnel Compensation	0.4
12.1 Personnel Benefits	0.1
Total, Pay	**$0.8**
25.0 Other Services	0.6
31.0 Equipment	0.6
Total, Non-Pay	**$1.2**
Total, Congressional Budget Office	**$2.0**
FTEs	**3**

QUESTIONS FOR THE RECORD SUBMITTED BY

Ranking Member Honda

FY 2012 Budget of the Congressional Budget Office

Dr. Doug Elmendorf

Scoring of Bills

Question: One of CBO's core responsibilities is to "score" or estimate the cost of legislative language. How many pieces of legislation did CBO score in the last legislative year? How does that compare to previous years?

ANSWER:

CBO's cost-estimating responsibilities fall in two broad categories: estimates for authorizing legislation and estimates for appropriation bills.

Authorizing Legislation

During the second session of the 111th Congress (calendar year 2010), CBO completed 652 formal cost estimates for authorizing legislation (that is, legislation other than appropriation bills), as well as several hundred informal estimates for such legislation.

The number of formal cost estimates completed for authorizing legislation in 2010 (652) was close to the annual average number of such formal estimates. That figure can vary quite a bit from year to year, but averaged 635 cost estimates for the 10 years ending in 2010. Most formal cost estimates (about 85 percent) are prepared for authorizing bills that were ordered reported by committees; CBO is required by the Congressional Budget Act of 1974 to prepare cost estimates for such legislation. In addition, CBO prepares formal cost estimates for legislation at other stages in the legislative process, generally in response to requests from the House or Senate Committees on the Budget, the Chair or Ranking Member of a committee, or the leadership of the House or the Senate. In recent years, CBO has received requests for cost estimates for an increasingly large number of amendments offered for floor consideration in either the House or the

Senate. Such amendment reviews probably totaled in the hundreds last year, but CBO does not have a precise count of such estimates.

The number of formal cost estimates does not provide a full picture of the agency's cost-estimating activity. For example, during 2009, CBO prepared hundreds of informal estimates for a wide variety of individual provisions considered during the Congress's deliberations on major health care legislation. In other years, when the Congress is considering a major reauthorization such as a multiyear highway bill or a multiyear farm bill, informal estimates for those pieces of legislation also number in the hundreds. More recently, in 2010, CBO staff prepared many dozens of informal, preliminary estimates for Congressional deliberations of various proposals aimed at the promotion of job creation in the U.S. economy.

Appropriation Bills

CBO provided to the Congress numerous scorekeeping estimates for the fiscal year 2011 appropriation and supplemental appropriation acts for fiscal year 2010. CBO's work on appropriations generally includes scoring each of the 12 regular appropriation bills before subcommittees consider each bill, when the full committee conducts its markup, during floor action in both the House and the Senate, and when conference agreements are approved. CBO does not keep track of how many individual estimates for appropriation bills and amendments it produces, but the number of individual estimates probably reaches several hundred each year, including preliminary (or informal) estimates for options considered at various stages by the Committees on Appropriations and for many amendments offered by Members either at committee markups or for floor consideration.

The volume of preliminary, informal estimates for appropriation provisions easily dwarfs the number of public, formal scorekeeping tallies associated with the final appropriation acts considered each year by the Congress. Appropriations work for fiscal year 2011 is a good case in point: Because none of the regular 12 appropriation acts were enacted during calendar year 2010, CBO staff provided scorekeeping estimates for several short-term continuing resolutions and for several versions of comprehensive full-year omnibus appropriation proposals. In addition, CBO staff reviewed several hundred individual amendments proposed in the House. (That activity began in calendar year 2010 but continued into the first several months of the new legislative session in 2011.)

Question: How many staff does CBO have for scorekeeping? Is that sufficient to provide Congress with timely scores? Can CBO use staff from other areas to supplement scorekeeping staff when needed?

ANSWER:

CBO's Budget Analysis Division, consisting of approximately 85 staff members, completes most of the legislative cost estimates discussed above. CBO's Tax Analysis Division includes about five staff members who contribute to estimates involving changes in federal revenues. (The agency also relies heavily on a partnership with the staff of the Joint Committee on Taxation, which is responsible for estimating the effects of changes in the Internal Revenue Code, but also plays a significant role in other revenue-related proposals.)

The Budget Analysis Division includes a Scorekeeping Unit, consisting of six analysts, one administrative assistant, and a manager. That group has the responsibility for coordinating the scoring of all appropriation bills. The Scorekeeping Unit draws heavily, however, on nearly all other staff members of the Budget Analysis Division to review appropriations language and develop the estimates that are provided to the Congress.

Frequently, analysts in other parts of the agency contribute to CBO's cost estimates in their areas of expertise. For example, during consideration of health care legislation in 2009 and 2010, more than 15 analysts and managers from CBO's Health and Human Resources Division played a major role in the cost-estimating activity. In addition, other CBO staff members regularly play a key role in completion of formal cost estimates by conducting the reviews of legislation required under the Unfunded Mandates Reform Act. Outside of the Budget Analysis Division, about 15 staff members are responsible for providing the private-sector mandate reviews that are included in cost estimates. Thus, in total, more than 120 CBO staff members have been regularly involved in cost-estimating activities (both in 2010 and in other recent years).

The skill and hard work of the Scorekeeping Unit and the division-wide staff that it relies on have generally enabled CBO to provide estimates to the House and Senate Committees on Appropriations in a timely fashion. Similarly, CBO has generally been able to provide other committees with cost estimates for authorizing legislation in a timely fashion. In particular, formal estimates for authorizing bills have been provided quickly enough to be included in committee reports more than 90 percent of the time over the past 10 years. Moreover, CBO has been able to complete such estimates prior to floor action in about 99 percent of all cases over the past several years.

While it is difficult to quickly realign staff responsibilities during any sudden shift in legislative priorities during a Congressional session, CBO can and often does rely on staff both within the Budget Analysis Division and across the organization when necessary. Generally, some staff members are available to assist in areas that they may not be experts in. Relying on such staff sometimes means that it takes a little more time to respond to some requests than Members or their staff might desire, but CBO makes every attempt to provide cost estimates as quickly as is feasible without diminishing the quality of such estimates.

In some cases, the number of requests in a particular area may be too great for the agency to handle with available resources. In such instances, CBO attempts to work with Congressional requesters to identify the highest-priority items. In terms of requesters, CBO follows the priorities established by the Congressional Budget Act of 1974, which specifies that highest priority goes to work for the Committees on the Budget, the Committees on Appropriations, and the two major entitlement and financing committees: the Senate Finance Committee and the House Ways and Means Committee. Work for other committees follows in priority. (CBO can only provide assistance directly to individual Members' offices to the extent that time and resources permit; and often, the press of business for committee needs means that the agency cannot respond in a timely way to all requests from individual Members.)

Demands on CBO staff for cost-estimating activity related to legislative proposals have increased significantly in recent years. For example, there has been a dramatic increase in requests for both informal (preliminary) estimates and in some cases formal cost estimates for legislation prior to committee markups. CBO tries to provide committee staff with the information needed to prepare for such markups, but it is not possible in most instances for CBO to complete thorough, formal cost estimates prior to scheduled markups.

Staffing

Question: The request does not ask for new staff in recognition of the tight budgetary environment. Will CBO resume the plan to grow in future years?

ANSWER:

By working to target the agency's resources carefully, CBO will aim to meet Congress's needs as effectively as possible for the foreseeable future with the staffing proposed in the budget request.

WEDNESDAY, MAY 11, 2011.

NATIONAL FEDERATION OF THE BLIND

WITNESS

JOHN G. PARÉ, JR., EXECUTIVE DIRECTOR FOR STRATEGIC INITIATIVES, NATIONAL FEDERATION OF THE BLIND

OPENING REMARKS OF CHAIRMAN CRENSHAW

Mr. CRENSHAW. We are going to start now with our public witnesses. And I want to thank them all for being here, thank them for their interest in the Legislative Branch Subcommittee. I am going to ask everybody to limit your remarks to 5 minutes or less. Your full statements will be entered in the record. We are going to have six witnesses.

Mr. Honda, let's yield to you before we ask our first witness.

Mr. HONDA. No, I just look forward to their testimony, and thank you very much.

Mr. CRENSHAW. Great.

Well, Mr. Paré, we welcome you.

As you may know, the first digital book players were distributed in 2009. More than 320,000 digital book players have been issued to date, and the Braille and Audio Reading Download Web site is also up and running. So we look forward to what you have to say. Thank you for being with us today.

STATEMENT OF JOHN PARÉ

Mr. PARÉ. Thank you, Mr. Chairman, thank you members of the committee. My name is John Paré, and I am the Executive Director For Strategic Initiatives at the National Federation of the Blind. I appreciate this opportunity to appear before the committee and to comment on the National Library Service Talking Book Program.

The National Library Service is the primary provider of books for over 800,000 Americans who are blind or who have physical limitations which prevent them from reading Braille. Patrons of the service include Wounded Warriors, older Americans losing vision, people in education, and blind professionals in all levels.

The NLS is the only public library that serves the blind in the United States. In fact, it is more than a public library. If a public library cuts back on services or closes down, sighted readers can go to another library or possibly purchase books, e-books on the computer, or go to their favorite bookstore. On the other hand, blind readers have no other choice but the National Library Service for the Blind and Physically Handicapped.

I was sighted for most of my life. In 1996, I began losing my vision. I was diagnosed with cone-rod retina degeneration, for which there is no cure. In 2001, I lost my job due to my blindness. I was depressed. I could not read regular print, and I did not know Braille. I soon learned about the National Library Service and became an avid patron. The slogan "You Are What You Read" had been drilled into me by my parents. My reading helped me reconnect with society and helped give me a sense of purpose.

As a result of fortuitous events, I learned about the National Federation of the Blind, and was offered a staff position. I am now here today, honored to talk to you about the NLS service on behalf of the NFB. NLS has historically provided its services for a relatively small portion of the Federal budget, around $55 million per year. As you mentioned, the digital transition has been taking place, and has required an additional infusion of funds, but will only require an additional $12.5 million per year through fiscal year 2013. We urge Congress to maintain this level of funding.

We understand that ways are being sought to reduce the Federal budget, and we believe that the Library of Congress budget might be reduced by 5 percent. Assuming that these cuts are spread evenly over all Library of Congress programs, we believe that NLS can take its fair share of cuts without reduction in services to its patrons. The Librarian of Congress has authority to reallocate funds within the agency. We urge the Librarian to make sure that the full authorized appropriation is available for the NLS program.

We believe that the NLS is the most important Federal program for blind people today, and it is certainly the one with the broadest and deepest impact. In my role at the National Federation of the Blind, I talk to hundreds, if not thousands, of blind people every year. They all tell me how important the NLS service is to them. When I tell them that I will be testifying in front of Congress, they always ask me to thank you for the NLS program. For example, Joe Minicello from Jacksonville, Florida, asked me to say, quote, "I have used this service since I was 10 years old. I would not have obtained the good education and employment if I had not had access to Talking Books. Thank you for making my life as rewarding and fulfilling and productive as it is."

Mr. Chairman, on behalf of myself, and Joe, and hundreds of thousands of other people, blind people in the United States, I want to thank you for this opportunity to appear and to thank you for the NLS digital Talking Books program.

Mr. CRENSHAW. Thank you very much for your being here and being such an advocate.

[The prepared statement of John Paré 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 11, 2011

Mr. Chairman, 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 200 East Wells Street, Baltimore, MD 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 NLS Talking Book Program.

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

The National Library Service for the Blind and Physically Handicapped of the Library of Congress (NLS) 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. Patrons of the service include senior citizens who are losing vision, students at all levels of education from kindergarten to graduate school, military veterans who are blind or have physical disabilities, and blind professionals in all fields. NLS is the only public library that serves the blind in the United States. In fact, it is more than a public library. If a public library in a given city closes down or cuts back on services due to funding concerns, sighted readers can visit another library, go online to purchase books or e-books, or go to Barnes and Noble or their favorite local bookseller. These are not realistic options for many blind people.

For only the third time in its eighty-year history of exemplary service, the NLS has undergone 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 audio cassette tapes. Both of these technologies are now obsolete. Indeed, NLS has now ceased production of cassette books, and new titles will be available only in the new digital format. For this nation's Talking Book readers, the digital age has begun. NLS patrons can now download Talking Books through the NLS Braille and Audio Reading Download (BARD) site, allowing them to access tens of thousands of titles at any time they wish to read them. Patrons can also receive books through the mail on flash memory cartridges that can be played on the new digital Talking Book machines that became available to all patrons in 2010. These new high-quality Talking

Book players are universally praised by patrons, who find that their simple operation, advanced features, and excellent sound quality significantly enhance the reading experience. Talking Books are produced according to the DAISY electronic publishing standard, allowing patrons to use the controls on their digital players to move easily between chapters of a book or articles in a magazine, set bookmarks, and adjust the reading speed.

NLS also continues to provide Braille books and magazines to its patrons who read Braille and to those who are learning the code. This is critically important because it is estimated that only around 10 percent of blind children in the United States are being taught to read and write Braille. The National Federation of the Blind is working diligently to reverse this harmful trend, which leaves many students and adults—who are blind or have low vision functionally illiterate—unable to read print efficiently and without the alternative technique of Braille. If more people are to learn the Braille code and become proficient in reading it, they must have access to quality Braille materials. The NLS program ensures that Braille materials are produced and made widely available. Like Talking Books, Braille books are also available online so that readers can download them to Braille-aware personal digital assistants or computers equipped with refreshable Braille displays. NLS also makes available Braille musical scores and instructional materials, making the service an invaluable resource for blind musicians and those studying music.

NLS provides outstanding service to its patrons and is regarded the world over as an exemplary library service for the blind. The reputation of the NLS and its successful transition to new digital technology is the result of the tireless work, outstanding leadership, and consumer-focused vision of Mr. Frank Kurt Cylke, who recently retired after directing NLS for over thirty-seven years. He left in place a dedicated staff and a sound infrastructure that should set the program on firm footing well into the twenty-first century, allowing it to continue to provide the quality service that patrons have come to expect. We wish Mr. Cylke well in his future endeavors and hope that the new director of NLS, when selected, will build upon his outstanding achievements.

NLS has historically provided its services for a relatively small portion of the federal budget—around $55 million per year. The digital transition required an additional infusion of funds, but will only require an additional $12.5 million per year until FY 2013. We believe that Congress should maintain this level of funding. We understand, however, that ways to reduce federal spending are being sought and that the overall budget for the Library of Congress may be reduced by approximately 5 percent. Assuming that these cuts are distributed evenly across all of the Library of Congress programs, we believe that NLS can take its share of cuts without a significant reduction in services to its patrons. The Librarian of Congress has discretion to reallocate funds within the agency. In light of the unique services NLS provides and the fact that it is the only public library service available to blind Americans, the Librarian and his staff must ensure that NLS is able to operate with its full authorized appropriation.

Access to the printed word has historically been one of the greatest challenges faced by the blind. With this service, hundreds of thousands of Americans have improved their ability to learn from and enjoy printed material and, therefore, have improved their opportunity for education, employment, and enlightenment. The National Federation of the Blind is pleased with what NLS has been able to do to improve the lives of blind Americans. We believe that NLS is the single most effective federal program serving blind Americans today, and it is certainly the program with the broadest and deepest impact. Blind Americans will continue to monitor and advocate for this critically important program. I thank you again for allowing the National Federation of the Blind to testify before you today, and I look forward to our next opportunity to update you on developments related to the NLS program.

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WORK EXPERIENCE

July 2007 to Present
Executive Director for Strategic Initiatives
National Federation of the Blind--Baltimore, Maryland

Mr. Paré oversees the continuing growth of NFB-NEWSLINE®, the largest electronic newspaper service in the world, and the Federation's national Governmental Affairs and Public Relations offices. He has testified before the House of Representatives Committee on Appropriations, Subcommittee on the Legislative Branch regarding library services for blind Americans. He has also appeared on CNN, Fox, BBC, and various radio programs to discuss issues affecting blind Americans. He has testified before the United Nations World Forum for Vehicle Harmonization regarding the dangers posed by silent vehicles. He is a member of the Society of Automotive Engineers Committee on Vehicle Sound for Pedestrians, and has advised automotive manufacturers on the danger posed by silent hybrid vehicles.

May 2006 to July 2007
Director of Public Relations
National Federation of the Blind--Baltimore, Maryland

Mr. Paré was responsible for the national publicity campaign for the Kurzweil–National Federation of the Blind Reader. He coordinated over 500 newspaper articles, 100 television clips, and represented the National Federation of the Blind on *Good Morning America* with Diane Sawyer.

April 2004 to May 2006
Director of Sponsored Technology Programs
National Federation of the Blind--Baltimore, Maryland

Mr. Paré was responsible for technical management and national outreach for the NFB–NEWSLINE® program. He coordinated partnerships with Associated Press, AARP, and Tribune Media services resulting in a dramatic increase in content.

September 2001 to April 2004
Investment analysis and portfolio management--Tampa, Florida

Mr. Paré reviewed three to five companies per week, analyzing their 10-Q (SEC quarterly report), 10-K (SEC annual report), and recent press releases. He prepared spreadsheet financial models to determine future earnings potential and present fair value of stocks.

1994 to September 2001
E-MASS, Inc. / ADIC, Inc.--Arlington, Virginia

In 1994, Mr. Paré was transferred from Garland, Texas, to Arlington, Virginia, and promoted to Government Sales Manager. In 1998, Advanced Digital Information Corporation (ADIC) purchased E-MASS and Mr. Paré was promoted to United States Vertical Markets Sales Manager and was responsible for Government, Oil and Gas, and Entertainment Media sales. His responsibilities included sales management, sales presentations, quote review, and final negotiations.

1986 to 1994
E-Systems, Inc.--Garland, Texas

Mr. Paré joined E-Systems as a senior engineer responsible for specialized computer design and programming. He was one of the lead designers as well as a technical manager. Over time he became more specialized in computer mass storage and was responsible for customer presentations. In 1992, E-Systems spun off the mass storage portion of the company and created a wholly owned subsidiary called E-MASS, Inc. By this time, Mr. Paré had moved out of his purely technical position and was responsible for technical pre-sales operations. His job included preparing and delivering technical presentations along with specific customer proposals. His major customers included the Department of Defense, NASA Goddard Space Flight Center, and Mobil Oil.

1984 to 1986
Harris Corporation--Melbourne, Florida

Mr. Paré worked as a senior engineer doing specialized computer programming and design. Mr. Paré contributed to several government proposals and traveled to the Washington, D.C., area for technical presentations.

VOLUNTEER EXPERIENCE

American Action Fund for Blind Children and Adults
Member of the Board of Directors, November 2007 to present.

National Federation of the Blind, second vice president of the Greater Baltimore Chapter, November 2005 to October 2010

National Federation of the Blind, treasurer of the Tampa Chapter, September 2003 to March 2004.

Visually-impaired persons support group, president, Tampa, March 2003 to March 2004.

Society of St. Vincent de Paul Food Pantry, manager, January 2003 to March 2004.

Tampa Museum of Art, board member of the Friends of the Arts.

EDUCATION

M.S., Computer and Information Science, University of Florida, 1984
B.S., Computer and Information Science, University of Florida, 1982

National Aeronautics and Space Administration
Program: NASA – Youth Slam 2009
2009: $600,000

National Archives and Records Administration
(National Historical Publications and Records Commission)
Program: Bringing Blind History to Light Project
2009: $23,331.90
2010: $74,824.74

Small Business Administration
Program: Access to Libraries and Learning: Creating Technology for the Blind to Promote Entrepreneurship
2008: $46,354.46
2009: $149,338.36
2010: $83,566.78

U.S. Department of Health and Human Services
Program: Help America Vote Act
2008: $33,584.10
2009: $95,938.14
2010: $91,374.95

U.S. Department of Education
Program: Mentoring for Transition Aged Youth
2008: $242,355.59
2009: $163,207

Signature: John Paré Date: 5/3/2011

Subcommittee on the Legislative Branch

Witness Disclosure Form

Clause 2(g) of rule XI of the Rules of the House of Representatives requires non-governmental witnesses to disclose to the Committee the following information. A non-governmental witness is any witness appearing on behalf of himself/herself or on behalf of an organization other than a federal agency, or a state, local or tribal government.

Your Name, Business Address, and Telephone Number:

John G. Paré Jr.
200 East Wells Street
Baltimore, MD 21230
Telephone: (410) 659-9314, ext. 2227
Cell phone: (410) 917-1965

1. Are you appearing on behalf of yourself or a non-governmental organization? Please list organization(s) you are representing.

Representing the National Federation of the Blind

2. Have you or any organization you are representing received any Federal grants or contracts (including any subgrants or subcontracts) since October 1, 2008?

Yes **XX** No

3. If your response to question #2 is "Yes," please list the amount and source (by agency and program) of each grant or contract, and indicate whether the recipient of such grant or contract was you or the organization(s) you are representing.

All were received by the National Federation of the Blind

Library of Congress (National Library Service)

Program: Braille Certification Training
2008: $677,171.98
2009: $529,329.26
2010: $525,794.10

Program: NFB-NEWSLINE® Improved Delivery Methods
2008: $121,481.25.
2009: $670,318.75
2010: $671,878.00

FUTURE OF TALKING BOOKS

The Members might have a question or two, but when you look at the future of the Talking Books, how do you see that, and what would be your main priorities that we ought to be looking at as we move forward with that program?

Mr. PARÉ. The transition to the digital Talking Book player has been terrific. And I compliment Dr. Billington and former Dr. Cylke, or Mr. Cylke, who used to be the Director, for doing that work. And blind people, I think, in your district and across the Nation are thrilled with how that is going. We are certainly very happy with the digital download, moving more into sort of into the electronic age with digital access to books. And in a sense, we keep encountering that knowledge is power, for blind people especially that certain physical jobs are more difficult, that getting a good education is the key to getting a good job and employment and raising a family. So that access to the information is key for us. And the library for the blind is very, very important.

Mr. CRENSHAW. Thank you.

Mr. Honda, any questions?

Mr. HONDA. Yes.

Mr. Paré, thank you very much for your constant reminding. There was a couple of phrases that you used: It is not only for the blind, but for those who for physical reasons cannot use Braille or anything else like that. But it seems to me that coalition building with other folks might be helpful to increase your support system to move this Talking Book forward, because people, whether they are sighted or not sighted, learn in different modes. Sometimes the auditory process is more powerful when it is coupled with other things.

On top of advantages that provide or help to provide folks who have sight disadvantages, Talking Books sounds like something that we should be probably investing more in to finding other uses for it; that it is not only set for folks who are losing their sight, but also people who can learn quickly, more quickly, using the auditory approach, too. So you have helped us think things through, and maybe even have a greater purpose for expanding Talking Books. So I appreciate your work and your advocacy on this. Thank you.

Mr. PARÉ. Thank you, sir.

Mr. CRENSHAW. Mr. Bishop.

Mr. BISHOP. Yes. Let me just thank you—you pronounce that Pare?

Mr. PARÉ. Yes, sir.

Mr. BISHOP. Mr. Paré, for your advocacy. I am very, very empathetic and want to do everything that I can to be helpful.

On a personal note, Mr. Max Parker from the Georgia Federation of the Blind, who happens to live in Albany, Georgia, bends my ear on a regular basis. I grew up in Mobile, Alabama, and from the time I was 7 all the way through high school, I had a playmate whose backyard touched mine. And as kids, we always would choose sides for who would play on the ball team or who would play on the basketball team, and nobody wanted to choose Marvin because Marvin had a problem catching. We did not know why.

After I left to go to college and my mother asked Marvin to pick up some of my chores, like pulling the weeds from her flower bed, Marvin finished the job and came to be paid. She said, "Marvin, there are weeds all over the place", only to finally get Marvin examined and to have his mother take him to the optometrist, who determined that he was legally blind.

Fast forward, Marvin got his Social Security, and he did not make good grades in high school. But he was able to go to college with an interpreter and he finished college cum laude. He became a minister. And he is one of the most profound preachers that I have heard, never knowing that his disability as a child was preventing him from competing along with all of the rest of us.

Fortunately, Marvin's situation has a happy ending. But the advocacy that you are doing today is very meaningful, and it will help a lot of people. And I believe that it is responsible for us to take that into account for those many millions of people who have limited sight. So I appreciate your testimony very much. I very much empathize with the many people who experience that disability.

Mr. PARÉ. Thank you.

Mr. CRENSHAW. Mr. Paré, thank you so very much for being here and the work that you are doing. We appreciate it, and I am sure it will have a big impact as we begin our deliberations. So thank you very much.

Mr. PARÉ. Thank you, Mr. Chairman.

WEDNESDAY, MAY 11, 2011.

GAO EMPLOYEES ORGANIZATION

WITNESS

RONALD LA DUE LAKE, PRESIDENT, GAO EMPLOYEES ORGANIZATION

OPENING REMARKS OF CHAIRMAN CRENSHAW

Mr. CRENSHAW. Next we are going to hear from the GAO Employees Organization, Ronald La Due Lake.

I think you will find this subcommittee is a pretty strong supporter of the GAO. The Comptroller General last month said that every dollar we spend on the GAO, there is a return on investment of about $87. So I suggested that we just spend a lot of money on the GAO, and we could solve this whole debt issue we have. Right?

Mr. LA DUE LAKE. I would certainly not dispute that.

Mr. CRENSHAW. The floor is yours. Please give us your thoughts.

OPENING STATEMENT OF RONALD LA DUE LAKE

Mr. LA DUE LAKE. Thank you. Thank you very much, Chairman Crenshaw, members of the subcommittee. I am Ron La Due Lake. I am a methodologist at GAO in the Applied Research and Methods Team. I am also the president of the GAO Employees Organization, IFPTE Local 1921. I am very pleased to be here, privileged at this opportunity to discuss GAO's budget request for fiscal year 2012.

The GAO Employees Organization represents approximately 2,000 analysts and specialists at GAO. Analysts, specialists, and other employees at GAO provide a remarkable amount of important information to the Congress and the American people. During fiscal year 2010, for instance, GAO provided assistance to every standing congressional committee and almost three-quarters of their subcommittees. Our work yields significant results across government, including financial benefits of almost $50 billion.

I am here before you today to request your serious consideration of GAO's budget request for fiscal year 2012. Congress has come to rely upon GAO to help identify billions of dollars in cost-saving opportunities, to tighten Federal budgets, or to point out revenue-enhancement opportunities. Our mission is ever more critical when the Nation faces difficult financial times. GAO employees understand that we will need to operate within constrained funding levels, and that this poses challenges for the agency and for employees.

We are committed to helping GAO reduce its own costs as much as possible without diminishing our traditionally high-quality work that lays the foundation for critical decision-making and oversight by the Congress. Employees have been very supportive of GAO's cautious and deliberate measures to conserve expenditures in fiscal year 2011 so far. For example, employees have been contributing to savings in travel costs by developing creative alternatives in their engagement work, their audit work that minimizes travel while providing appropriate coverage in gathering critical information for the Congress.

We hope to avoid the need for reductions in GAO's workforce, as well as furloughs, which would be disruptive to agency operations and our ability to provide critical and timely information to the Congress. We also hope to avoid such disruptions for employees and their families.

Finally, I would like to note that we have recently completed negotiations with GAO management on our first master collective bargaining agreement. We used an innovative and collaborative approach to these negotiations, providing the opportunity for the talks to meet the interests of all parties, including the agency and employees, in a collegial, and efficient and a productive manner. We are fully prepared to continue this collaborative and productive relationship in the face of the current challenging economic times. GAO employees are ready to work closely with the agency to provide support to the Congress as efficiently as possible.

That concludes my prepared statement. Thanks again very much for the privilege of being here. I am happy to take any questions.

[The prepared statement of Ronald La Due Lake follows:]

GAO EMPLOYEES ORGANIZATION
IFPTE Local 1921
P.O. Box 50236 Washington, DC 20091-0236
(202) 512-2760 • www.gaoanalysts.org

Testimony

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

Comments on GAO's Fiscal Year 2012 Budget

Statement of Ronald La Due Lake President

May 11, 2011

Chairman and Members of the Subcommittee:

I am Ronald La Due Lake, a methodologist in GAO's Applied Research and Methods team and the President of the GAO Employees Organization, International Federation of Professional & Technical Engineers (IFPTE), Local 1921. I am pleased to have this opportunity to appear before the Subcommittee today to discuss GAO's budget request for fiscal year 2012.

The GAO Employees Organization represents approximately 2000 analysts and specialists at GAO. Analysts, specialists, and other employees at GAO provide a remarkable amount of important information to the Congress and the American people. During fiscal year 2010, GAO provided assistance to every standing congressional committee and almost three-quarters of their subcommittees. Our work yields significant results across government, including financial benefits of $49.9 billion. I am here before you today to request your support of GAO's budget request for fiscal year 2012.

Congress has come to rely upon GAO to help identify billions of collars in cost saving opportunities to tighten federal budgets or point out revenue enhancement opportunities. Our mission is ever more critical when the nation faces difficult financial times.

GAO employees understand that we will need to operate within constrained funding levels and that this poses challenges for the agency and for employees. We are committed to helping GAO reduce its own costs as much as possible without diminishing our traditionally high-quality work that lays the foundation for critical decision-making and oversight by the Congress. Employees have been very supportive of GAO's cautious and deliberate measures to conserve expenditures in FY 2011 thus far. For example, employees have been contributing to savings in travel costs by developing creative alternatives that minimize travel while providing appropriate coverage in gathering critical information for the Congress.

We hope to avoid the need for reductions in GAO's work force, as well as furloughs, which would be disruptive to Agency operations and our ability to provide critical and timely information to the Congress. We also hope to avoid such disruptions for employees and their families.

We have recently completed negotiations with GAO management on our first master collective bargaining agreement. We used an innovative and collaborative approach to these negotiations, providing the opportunity for the talks to meet the interests of all parties, including the agency and employees, in a collegial, efficient and productive manner. We are fully prepared to continue this collaborative and productive relationship in the face of the current challenging economic times. GAO employees are ready to work closely with the agency to provide support to the Congress as efficiently as possible.

This concludes my prepared statement. Thank you very much for the opportunity to be here and express the views of GAO employees. I am ready to respond to any questions you may have.

Subcommittee on the Legislative Branch

Witness Disclosure Form

Clause 2(g) of rule XI of the Rules of the House of Representatives requires non-governmental witnesses to disclose to the Committee the following information. A non-governmental witness is any witness appearing on behalf of himself/herself or on behalf of an organization <u>other</u> than a federal agency, or a state, local or tribal government.

Your Name, Business Address, and Telephone Number: **Ronald La Due Lake 202 512-2760** **GAO Employees Organization, Local 1921** **P.O. Box 50236** **Washington, DC 20091-0236**
1. Are you appearing on behalf of yourself or a non-governmental organization? Please list organization(s) you are representing. **GAO Employees Organization, IFPTE Local 1921**
2. Have you or any organization you are representing received any Federal grants or contracts (including any subgrants or subcontracts) since October 1, 2006? Yes **<u>No</u>**
3. If your response to question #2 is "Yes", please list the amount and source (by agency and program) of each grant or contract, and indicate whether the recipient of such grant or contract was you or the organization(s) you are representing.

Signature: Ronald La Due Lake Date: May 3, 2011

Ronald La Due Lake, Ph.D.
laduelaker@gao.gov

Expertise:

engagement design and planning.
quantitative and qualitative research methods and analysis.
study reviews.
survey methods.
small group methods.

Awards:

Integrity Award - 2008
Results through Teamwork Awards - 2003, 2005 (2), 2007
Big Picture Award – 2006
Jackelope Award – Learning Center, 2007
Team Awards - DCM, ARM, EWIS, SI, LC 2002 – 2009

Professional Experience:

United States Government Accountability Office, Applied Research and Methods, Washington, DC

Senior Social Science Analyst, IIB Sara Ann Moessbauer, supervisor David Alexander, supervisor	*January, 2006 – present*
Senior Social Science Analyst, II David Alexander, supervisor	*June 29, 2003 – December, 2005*

- Coordinate research design and methodological support to DCM across a range of issue areas. Manage collaborative CDMA support of multiple technical disciplines, including engagement design and methods, evaluation methods, survey methods, small group methods (expert panels, focus groups), study reviews, statistics, and data reliability and analysis. For example, served as a CDMA/ARM stakeholder on 59 engagements and was the focal point for ARM support/ assigned methodologist on 43, including 15 complex engagements that involved coordinating expertise from multiple ARM colleagues.
- Communicate methodological concerns to a wide range of internal and external stakeholders, including senior GAO management and executive branch agency officials.
- Provided direction and constructive feedback to colleagues within and outside of ARM in the development and implementation of engagement methods and analysis, including newer design staff and engagement analysts.
- Develop and teach mandatory and elective courses in engagement planning and methods with the Learning Center, including the required 'Logic of Engagement Planning.'
- Contribute to ARM working groups and projects, including revising methods courses, participating in the SRS alternative work group, and coordinating ISTS support for the CDMA web pages.

Social Science Analyst, I *May 13, 2002 – June 28, 2003*
David Alexander, supervisor
Barry Seltser, supervisor

- Consult with multiple engagement teams about the appropriate application of a wide range of research methods and analytic techniques, including timeframes and risks.
- Communicate methodological concerns to a wide range of internal and external stakeholders, including senior GAO management and executive branch agency officials.
- Write and review technical sections of GAO reports to meet disciplinary standards.

Caliber Associates, Fairfax, VA, July 25, 2001 – May 1, 2002
(purchased by ICF International- 2005)
Senior Associate

- Designed and conducted analyses for the Center for Substance Abuse Prevention Data Coordinating Center (CSAP DCC).
- Coordinated substance abuse prevention intervention cost analyses.
- Developed substance abuse program cost data collection protocol.
- Supervised implementation of cost data collection pilot study.
- Produced written and oral reports and presentations.
- Interfaced DCC analysis and publication teams.
- Consulted on design elements of web-based data analysis system.

OMNI Research and Training
OMNI Institute, Denver, CO, June 23, 2000 – June 30, 2001
Senior Researcher
Jim Adams-Berger, supervisor

- Developed and supervised project budgets ($250,000).
- Project lead on multi-year youth substance abuse prevention program evaluation (State Incentive Grant, SIG).
- Hired, supervised research and administrative support staff.
- Wrote research proposals and developed client relations.
- Participated in business development.
- Conducted in-house seminars in organizational learning and statistics.
- Consulted on design and methods tasks for multiple projects.
- Managed staff in program technical assistance and evaluation research.
- Designed and implemented evaluation analyses.
- Produced written and oral reports.

Center for Survey Research, Indiana University, 1997 - 2000
Project Manager, 1996 St. Louis-Indianapolis Election Study.
Bob Huckfeldt, supervisor

Center for Research in Law and Justice, University of Illinois at Chicago, 1995-96
Project Manager, NIJ funded longitudinal study of community policing.
Dennis Rosenbaum, supervisor

Selected GAO Reports and Testimonies (Key Methodological Contributor)

- Maritime Security: Updating U.S. Counterpiracy Action Plan Gains Urgency as Piracy Escalates off the Horn of Africa. GAO-11-449T.
- Defense Transportation: Additional Information Is Needed for DOD's Mobility Capabilities and Requirements Study 2016 to Fully Address All of Its Study Objectives. GAO-11-82R.
- Moving Illegal Proceeds: Challenges Exist in the Federal Government's Effort to Stem Cross-Border Currency Smuggling. GAO-11-73.
- Defense Planning: DOD Needs to Review the Costs and Benefits of Basing Alternatives for Army Forces in Europe. GAO-10-745R.
- Warfighter Support: Actions Needed to Improve the Joint Improvised Exposive Device Defeat Organization's System of Internal Control. GAO-10-660.
- Depot Maintenance: Improved Strategic Planning Needed to Ensure That Navy Depots Can Meet Future Maintenance Requirements. GAO-10-585.
- Depot Maintenance: Improved Strategic Planning Needed to Ensure That Air Force Depots Can Meet Future Maintenance Requirements. GAO-10-526.
- Defense Infrastructure: Opportunities Exist to Improve the Navy's Basing Decision Process and DOD Oversight. GAO-10-482.
- Warfighter Support: Improvements to DOD's Urgent Needs Processes Would Enhance Oversight and Expedite Efforts to Meet Critical Warfighter Needs. GAO-10-460.
- Military Personnel: DOD's and the Coast Guard's Sexual Assault Prevention and Response Programs Need to Be Further Strengthened. GAO-10-405T.
- Military Personnel: Additional Actions Are Needed to Strengthen DOD's and the Coast Guard's Sexual Assault Prevention and Response Programs. GAO-10-215.
- Defense Infrastructure: DOD Needs to Take Actions to Address Challenges in Meeting Federal Renewable Energy Goals. GAO-10-104.
- Overseas Contingency Operations: Reported Obligations for the Department of Defense. GAO-09-1022R, GAO-09-791R.
- Homeland Defense: Greater Focus on Analysis of Alternatives and Threats Needed to Improve DOD's Strategic Nuclear Weapons Security. GAO-09-828.
- Personnel Security Clearances: Progress Has Been Made to Reduce Delays but Further Actions Are Needed to Enhance Quality and Sustain Reform Efforts. GAO-09-684T.
- DOD Personnel Clearances: Comprehensive Timeliness Reporting, Complete Clearance Documentation, and Quality Measures Are Needed to Further Improve the Clearance Process. GAO-09-400.
- Military Operations: Actions Needed to Improve Oversight and Interagency Coordination for the Commander's Emergency Response Program in Afghanistan. GAO-09-615.
- National Preparedness: FEMA Has Made Progress, but Needs to Complete and Integrate Planning, Exercise, and Assessment Efforts. GAO-09-369.

- Defense Infrastructure: Additional Information Is Needed to Better Explain the Proposed 100,000-Acre Expansion of the Pinon Canyon Maneuver Site. GAO-09-171.
- Defense Infrastructure: Army's Approach for Acquiring Land Is Not Guided by Up-to-Date Strategic Plan or Always Communicated Effectively. GAO-09-32.
- DOD Personnel Clearances: Preliminary Observations about Timeliness and Quality. GAO-09-261R.
- Global War on Terrorism: Reported Obligations for the Department of Defense. GAO-09-233R.
- Military Operations: DOD Needs to Address Contract Oversight and Quality Assurance Issues for Contracts Used to Support Contingency Operations. GAO-08-1087.
- Global War on Terrorism: Reported Obligations for the Department of Defense. GAO-08-1128R.
- Military Personnel: Actions Needed to Strengthen Implementation and Oversight of DOD's and the Coast Guard's Sexual Assault Prevention and Response Programs. GAO-08-1146T.
- Military Personnel: DOD's and the Coast Guard's Sexual Assault Prevention and Response Programs Face Implementation and Oversight Challenges. GAO-08-924.
- Military Base Realignments and Closures: Army Is Developing Plans to Transfer Functions from Fort Monmouth, New Jersey, to Aberdeen Proving Ground, Maryland, but Challenges Remain. GAO-08-1010R.
- Ballistic Missile Defense: Actions Needed to Improve Process for Identifying and Addressing Combatant Command Priorities. GAO-08-740.
- Military Personnel: Preliminary Observations on DOD's and the Coast Guard's Sexual Assault Prevention and Response Programs. GAO-08-GAO-08-1013T.
- Military Operations: Actions Needed to Better Guide Project Selection for Commander's Emergency Response Program and Improve Oversight in Iraq. GAO-08-736R.
- Defense Infrastructure: High-Level Leadership Needed to Help Communities Address Challenges Caused by DOD-Related Growth. GAO-08-665.
- Global War on Terrorism: Reported Obligations for the Department of Defense. GAO-08-853R.
- Defense Transportation: DOD Should Ensure that the Final Size and Mix of Airlift Force Study Plan Includes Sufficient Detail to Meet the Terms of the Law and Inform Decision Makers. GAO-08-704R.
- Global War on Terrorism: Reported Obligations for the Department of Defense. GAO-08-557R.
- DOD Personnel Clearances: DOD Faces Multiple Challenges in Its Efforts to Improve Clearance Processes for Industry Personnel. GAO-08-470T.
- DOD Personnel Clearances: Improved Annual Reporting Would Enable More Informed Congressional Oversight. GAO-08-350.
- Global War on Terrorism: Reported Obligations for the Department of Defense. GAO-08-423R.
- Military Personnel: The DOD and Coast Guard Academies Have Taken Steps to Address Incidents of Sexual Harassment and Assault, but Greater Federal Oversight Is Needed. GAO-08-296.

- Bankruptcy: Implementation of Reform Act's Debt Reaffirmation Agreement Provisions. GAO-08-94
- Border Security: Despite Progress, Weaknesses in Traveler Inspections Exist at Our Nation's Ports of Entry. GAO-08-192T
- Military Personnel: Federal Agencies Have Taken Actions to Address Servicemembers' Employment Rights, but a Single Entity Needs to Maintain Visibility to Improve Focus on Overall Program Results. GAO-08-254T.
- Global War on Terrorism: DOD Needs to Take Action to Encourage Fiscal Discipline and Optimize the Use of Tools Intended to Improve GWOT Cost Reporting. GAO-08-68.
- Border Security: Despite Progress, Weaknesses in Traveler Inspections Exist at Our Nation's Ports of Entry. GAO-08-219.
- Potential Effect of Bankruptcy Abuse Prevention and Consumer Protection Act on Child Support Payments Cannot Be Determined because Data Needed for Study Are Not Available. GAO-08-148R.
- Military Personnel: Number of Formally Reported Applications for Conscientious Objectors Is Small Relative to the Total Size of the Armed Forces. GAO-07-1196.
- Military Personnel: DOD's Predatory Lending Report Addressed Mandated Issues, but Support Is Limited for Some Findings and Recommendations. GAO-07-1148R.
- Global War on Terrorism: Reported Obligations for the Department of Defense. GAO-07-1056R.
- Military Operations: Actions Needed to Improve DOD's Stability Operations Approach and Enhance Interagency Planning. GAO-07-549.
- Military Operations: The Department of Defense's Use of Solatia and Condolence Payments in Iraq and Afghanistan. GAO-07-699.
- Global War on Terrorism: Reported Obligations for the Department of Defense. GAO-07-783R.
- DOD Personnel Clearances: Delays and Inadequate Documentation Found for Industry Personnel. GAO-07-842T.
- Missile Defense: Actions Needed to Improve Information for Supporting Future Key Decisions for Boost and Ascent Phase Elements. GAO-07-430.
- Military Base Closures: Opportunities Exist to Improve Environmental Cleanup Cost Reporting and to Expedite Transfer of Unneeded Property. GAO-07-166.
- Defense Trade Data. GAO-06-319R.
- Best Practices: Better Support of Weapon System Program Managers Needed to Improve Outcomes. GAO-06-110.
- Survey on Program Manager Effectiveness. GAO-06-112SP.
- Military Personnel: Federal Management of Servicemember Employment Rights Can Be Further Improved. GAO-06-60.
- Community Policing Grants: COPS Grants Were a Modest Contributor to Declines in Crime in the 1990s. GAO-06-104.
- Military Personnel: Federal Management of Servicemember Employment Rights Can Be Further Improved. GAO-06-60.
- Commercial Aviation: Bankruptcy and Pension Problems Are Symptoms of Underlying Structural Issues. GAO-05-945.
- Homeland Security: Agency Resources Address Violations of Restricted Airspace, but Management Improvements Are Needed. GAO-05-928T.

- Defense Transportation: Air Mobility Command Needs to Collect and Analyze Better Data to Assess Aircraft Utilization. GAO-05-819.
- Defense Transportation: Opportunities Exist to Enhance the Credibility of the Current and Future Mobility Capabilities Studies. GAO-05-659R.
- Unmanned Aerial Vehicles: Improved Strategic and Acquisition Planning Can Help Address Emerging Challenges. GAO-05-395T.
- Social Security Numbers: Governments Could Do More to Reduce Display in Public Records and on Identity Cards. GAO-05-59.
- Social Security Disability: Improved Processes for Planning and Conducting Demonstrations May Help SSA More Effectively Use Its Demonstration Authority. GAO-05-19.
- 2010 Census: Basic Design Has Potential, but Remaining Challenges Need Prompt Resolution. GAO-05-9.
- Human Capital: DHS Faces Challenges in Implementing Its New Personnel System. GAO-04-790.
- 2010 Census: Overseas Enumeration Test Raises Need for Clear Policy Direction. GAO-04-470.
- Human Capital: Implementing Pay for Performance at Selected Personnel Demonstration Projects. GAO-04-83.

Selected Teaching Experience

- Developing Surveys for Auditors, 2007, Texas State Audit Office.
- Logic of Engagement Planning, 2004 to present, U.S. GAO.
- Data Collection Strategies, 2004 to 2007, U.S. GAO.
- Statistical Modeling, 2004 to present, U.S. GAO.
- Choosing a Survey Administration Method, 2004, U.S. GAO.
- Developing and Writing Survey Questions, 2004, U.S. GAO.
- Pretesting Surveys, 2004, U.S. GAO.
- Data Analysis and Interpretation Workshop, 2004, IRS Office of Strategy and Finance, through Management Concepts, Inc.
- Data Analysis I & II for graduate students, 1995 - 1996, Department of Political Science, University of Illinois at Chicago.

Education:

Ph.D., Political Science and Public Policy, Indiana University, Bloomington, 2000.
M.A., Political Science, University of Illinois at Chicago, 1996.
B.A., Political Science, University of Illinois at Chicago, 1994.

Job-related Training:

Cognitive Interviewing, Gordon Willis.
Research Update on Questionnaire Writing, Jon Krosnick.
Visual Design of Questionnaires, Don Dillman.
National Defense University 501, DCM.
Qualitative Evaluation Methods, Michael Quinn Patton.

Honors:

First Prize, 1999 General Social Survey Competition.
Phi Beta Kappa, Pi Sigma Alpha, Phi Kappa Phi.
Who's Who Among Students in American Universities & Colleges, 1998.

General:

U.S. Citizen, Secret level clearance

TRAVEL SAVINGS

Mr. CRENSHAW. I have one quick question. It was interesting when you mentioned the ways to save on travel. Can you give us an example? This might be something we want to pass on to some other agencies, too. Just one or two examples of how the creative aspect of minimizing travel expenses that might be helpful for other folks.

Mr. LA DUE LAKE. Well, certainly. If you think about the way we do our work, we are frequently in the position of wanting to go to understand what is happening at the program level at a particular site, at a particular program, or multiple sites. So there are always decisions to be made about how many programs, how many locations, how many sites, how many participants in a program are appropriate to interact with.

Some of the examples, the creative alternatives that we have seen, have been where particular job teams or engagement teams will interact with programs or participants or appropriate officials at a location that might be closer to one of our field offices or our headquarters, and then from there finalize the work that seems appropriate; and then interact with other relevant officials either through electronic means, through video teleconferencing, through survey techniques, through telephone interview protocols, those sorts of techniques. So that is one way, one example, of how engagement teams have really thought this through very seriously, trying to think very deliberately and strategically about if we are going to use travel dollars, how, and then how can we leverage those travel dollars to get us the appropriate information that would best inform the Congress.

Mr. CRENSHAW. Great. Thank you.

Mr. Honda.

Mr. HONDA. I thought that was an interesting line of questioning, Mr. Chairman. People travel because they want to have a hands-on experience with a site and with the people. There is some visual stuff that you can do with teleconferencing. So there is a lot of prep work before you go so that when you do make the site visit, it is maximized with other activities before. So I think that is well worth pursuing, probably even having Members of Congress look into that, too, for our own benefit for our constituent work. I think we are going down the line where west coast Congress people can avoid flying 9 hours during the week. But, no, I guess we have to be here. Thank you very much.

Mr. LA DUE LAKE. Thank you.

Mr. CRENSHAW. Mr. Bishop, any questions?

Mr. BISHOP. I don't have any questions. I appreciate your service. I appreciate what your agency does. And again, you are one of those very, very essential functions that help us to do what we need to do by way of oversight. I appreciate the examples of sacrifice that your organization has made in light of the fiscal challenges that you are faced with. So thank you very much for what you do.

And also let me just say I appreciate the spirit with which your collective bargaining took place. You approached it from a win-win perspective on both sides. And that is, I think, very refreshing.

Mr. CRENSHAW. We certainly appreciate what your agency does, and you as an individual, and your fellow coworkers. When we are asking everybody to do something that is more efficient, more effective than ever before, obviously you have thought that through, and you are working to make that happen. So we appreciate it very much. Thank you for being here today.

Mr. LA DUE LAKE. Thank you. My pleasure.

WEDNESDAY, MAY 11, 2011.

LIBRARY OF CONGRESS PROFESSIONAL GUILD

WITNESS

SAUL SCHNIDERMAN, PRESIDENT, THE LIBRARY OF CONGRESS PROFESSIONAL GUILD

OPENING REMARKS OF CHAIRMAN CRENSHAW

Mr. CRENSHAW. Next we are going to hear from the Library of Congress Professional Guild, Saul Schniderman, who is the president. We welcome you today and look forward to what you have to tell us.

STATEMENT OF SAUL SCHNIDERMAN

Mr. SCHNIDERMAN. Thank you, Mr. Chairman.

Mr. Chairman, Mr. Honda, and members of the subcommittee, my name is Saul Schniderman, and I am president of the Library of Congress Professional Guild, AFSCME Local 2910. I am testifying today on behalf of 1,500 professional employees, not including employees of the Congressional Research Service, who thank you for the support of their work to make the Library of Congress a truly great library.

With me today is an archivist, our chief steward for the guild, Nan Ernst; and an attorney adviser for the Copyright Office, Kent Dunlap, who is our chief negotiator.

I want to begin my testimony by stating that we are respectful of Members' concerns for the Federal budget deficit and the need to address the economic ills for the Nation. We support Dr. Billington's modest budget request, and agree with the thoughtful remarks made by some members of this subcommittee who differentiated between spending and investment in the future.

Mr. Chairman, at one time our Nation was rich in natural resources and the production of commodities, but today a new economy is being created. It is one which demands higher levels of education and innovation, and its success depends upon our Nation's ability to nurture and cultivate our intellectual capital. In medicine, telecommunications, science, literature and the arts, information technology and the like, the Library of Congress plays a pivotal role.

In my testimony today I want to highlight only two of the Library's programs, which provide direct economic benefit to the Nation: our cataloguing operation, which assists thousands of communities, schools, and universities, and the work of the Copyright Office, which protects intellectual property and turns creativity into economic prosperity for our people.

Today America's libraries are straining against a perfect storm. The storm is that there is a growing demand for library services, but State and local governments just do not have the budgetary resources. More people than ever are visiting their public library. They want to find employment and business opportunities, continuing education, and career development. Now the Library of Congress is filling the gap by providing a virtual library on the Internet, and it also helps by supporting local libraries by creating cataloguing records which we share with the Nation and the world.

If I may, I can explain. Our cataloguing staff creates records, cataloguing records, for works in English and over 400 languages, and then shares these records with local, regional, and academic libraries. One study estimated budget savings to these libraries in the range of $200- to $400 million annually. Is this a good investment? Yes, I think so, because records produced by the Library of Congress are the gold standard of cataloguing. This means that any library in the United States just uses it as a copy for its own cataloguing record.

According to the American Library Association, and I quote, every type of library and library user, from students to the general public, derives substantial economic benefit from the intensive specialization of the professional cataloguers at the Library of Congress. If I may say so, we represent those cataloguers.

Now, another good investment in the Library, which provides value to the Nation, is the U.S. Copyright Office, which serves copyright owners and the copyright industries by maintaining a public record system. By clarifying ownership of copyright, and by litigating disputes, the Copyright Office at the Library of Congress supports an industry that in 2007 employed over 5 million workers and produced almost $9 billion in revenues.

Because the United States is a world leader in producing copyright materials, in fiscal year 2010 the Copyright Office registered over 600,000 claims, which means that hundreds and thousands of books, films, sound recordings and other works were transferred to the Library's collection, an added value of tens of millions of dollars for which you do not have to expend and pass appropriations for. And thanks to the Copyright Office, America's authors and creators can combat the piracy of their own works both here and abroad. In short, America's creativity has become an economic engine which fuels the production of new works and gives birth to new opportunities.

I want to close my testimony by commenting briefly on the backlog of claims in the Copyright Office. Mr. Chairman, and Mr. Honda, and members of the subcommittee, good news is on the horizon. The backlog is being eliminated. Today it takes an average of 4 months or less for an applicant using the electronic filing system to receive a completed registration from the Copyright Office, and this is real progress. The guild looks forward to working with the new Register of Copyrights when he or she is appointed.

I thank you for your support of the Library of Congress, the cornerstone Library of the United States and the information center for the legislative branch of government.

[The prepared statement of Saul Schniderman follows:]

Statement of Saul Schniderman
President
of the
Library of Congress Professional Guild
AFSCME 2910
Before the Committee on Appropriations
Subcommittee on Legislative Branch Appropriations
U.S. House of Representatives
May 11, 2011

Mr, Chairman, Mr. Ranking Member, and Members of the Subcommittee, thank you for providing us with this opportunity to testify and present you with our perspective on the Library of Congress' budget request for fiscal year 2012. Our union, the Library of Congress Professional Guild, AFSCME 2910, represents 1500 professional employees at the Library of Congress.

We share the concern expressed in the 112th Congress and the House Committee on Appropriations about the federal budget deficit and the need to address the economic ills of the nation. The downturn in business revenues, consequent high unemployment rates, and falling incomes highlight the need to marshal all the resources which will improve national levels of education, competitiveness and job growth in the United States.

At one time our economy relied upon rich natural resources and the production of commodities. But today a new economy is being created which demands higher levels of education and innovation. This new economy is more knowledge-based and our success may depend upon our ability to nurture this knowledge and to cultivate it. Advances in medicine, science, energy, literature and the arts, telecommunications and information technology depend upon the ability of our citizens to leverage the intellectual capital amassed in our society.

In many ways the Library of Congress has a pivotal role to play in this unfolding drama. In my testimony today I want to highlight two of the Library's programs which provide direct economic benefit to the nation: our **cataloging** operation which assists thousands of communities, schools, universities and various public and private institutions and the work of the **Copyright Office** which protects intellectual property and turns creativity into economic prosperity for our people.

Mr. Chairman, today America's libraries are straining against a "perfect storm" of growing demand for library services and dwindling budgetary resources to meet that demand as state and local governments deal with the realities of revenue shortfalls. More people than ever are seeking out library resources to find employment and business opportunities, and for continuing education, career development, and government services. The Library of Congress is filling the gap in local library services by providing a virtual library on the Internet with an emphasis on K-12 teaching materials, as well as digital reference services. We also create cataloging records which we share with the nation and the world.

The Library of Congress creates authoritative cataloging records for works in English and some 470 languages spoken throughout the world and then shares these records with local, regional, and academic libraries, realizing millions of dollars in budget savings. While it is difficult to offer a precise dollar figure, years ago (1995) one study estimated that savings to state and local governments and institutions to be in the range of 200 to 400 million dollars annually.[1] A recent study of the Library's cataloging operation noted that the cataloging records produced by the Library of Congress "represent the 'gold standard' of cataloging in the United States" enabling any library to use a copy as its own catalog record for the same item. The authors continue, "it is difficult to imagine the profession and the industry without them. They provide enormous value, to a degree that is difficult to calculate. . . . This is confirmed by the comments we've received from libraries, especially school libraries, who 'could not function' without LC records."[2]

Another cost-saving measure utilized by local libraries is the Cataloging In Publication (CIP) program which allows the Library, in cooperation with publishers, to catalog books before they are actually published. Publishers then include this cataloging information in the final published work where it can be put to immediate use by other libraries acquiring that publication.

The CIP program is one of the best values in government. In fiscal 2010, our CIP program cataloged about 56,000 titles in all subjects, submitted by more than 500 publishers throughout the United States. The catalog records for all titles in the CIP program include Dewey Decimal numbers, making them readily adaptable for use by America's public and school libraries in every congressional district. With a direct labor salary cost of less than $45 to produce a CIP record at LC, each record can be used by any library, enabling libraries around the country to connect readers to new books they acquire at a cost of pennies per record.

The Dewey Decimal system is the most widely used library classification systems in the U.S. and the world and, although the Library of Congress does not use the Dewey Decimal system to organize its own collections, the Library assigns Dewey numbers to books published in the U.S. so that other libraries can use them in organizing their collections. In fiscal 2010, the Library provided Dewey Decimal numbers for almost 100,000 titles; more than any other library. The Library's Dewey program increased its efficiency in fiscal 2010 by using software developed in-house to assign Dewey numbers to works of literature in English, Spanish, and Portuguese.

The Library also uses its resources and expertise to assist research libraries in acquiring material in other countries. The Cooperative Acquisitions programs administered by the Library's six overseas offices in Cairo, Islamabad, Jakarta, Nairobi, New Delhi, and Rio de Janeiro acquire materials on a cost-recovery basis on behalf of other research libraries in the U.S. that do not have purchasing agents of their own in the Middle East or the subcontinent of Asia, in Africa and South America. In fiscal 2010, the overseas offices acquired about 400,000 items for other research libraries, saving them the costs of maintaining their own vendor agreements or sending their own staff to travel to purchase materials in the 75 countries covered by the LC overseas offices.

Also providing enormous value to the nation is the U.S. Copyright Office which serves the copyright industry by maintaining a public record system, by clarifying ownership of copyright, and by litigating disputes. A recent study of the copyright industries found that in 2007, the "core copyright industries" which produced or distributed copyrighted property employed nearly 5.6 million workers, and produced 889.1 billion in revenues, which was 6.44% of U.S. GDP.[3]

The United States is a major producer of books, movies, music, video games, computer programs, photographs and other creative works. In FY 2010 the Copyright Office registered over 600,000 claims. Yet, despite the high number of registrations and the huge size of the copyright industries, conflicts over rights, and assertions of infringement are relatively few. Members of the Subcommittee may be surprised to learn that in 2007, only 4,400 copyright cases were filed in U.S. federal courts, and of these, only 165 ended in a judicial opinion being reported in Commerce Clearing House's Copyright Law Decisions.

The reason for this low rate of litigation is because the Copyright Office's public record of copyright ownership establishes a stable foundation for the use of copyrighted material, and can often enable parties to quickly resolve problems when they arise. And when disputes do go to court, the records of the Copyright Office serve an important role in determining outcomes. By protecting intellectual property rights, America's creativity becomes an economic engine which fuels the continual production of new works.

One important impediment to the growth of the U.S. economy is the piracy of copyrighted materials abroad. The Copyright Office - through its Associate Register for Policy and International Affairs - assists the U.S. Trade Representatives in addressing areas of the world with extensive piracy through government-to-government consultations. As better copyright systems are developed throughout the world, the copyright industries in the United States should experience greater job growth and prosperity. Since the United States is the world leader in producing copyrighted material, the Copyright Office and the Library of Congress will play a critical role in the nation's economic recovery.

The FY 2012 budget request of the Copyright Office is $56.440 million, and of this amount, approximately 34.7 million is secured through fees from recipients of services. The reason the full costs of the Copyright Office are not charged to fee payers is that some services of the Copyright Office are not related to the administration of copyright registrations. These would include requests by the Congress for testimony or studies relating to copyright, responding to FOIA requests, providing public information about copyright, assisting the U.S. Trade Representative and other federal agencies dealing with matters in litigation, and other various related activities. And of course, the Library's general collection of books and journals is built upon mandatory deposits of copyrighted works which lowers the overall costs of acquisitions for Library Services. All of these activities are appropriately supported through a general appropriation.

Over the past four years the Copyright Office has made the tough transition from a paper-based system to an electronic process for registering copyright claims. The Subcommittee has been unwavering in its support of the Copyright Office. Because of the extraordinary efforts and resiliency of its staff, the Copyright Office has now made it through the worst backlog in its history. As you deliberate on Dr. Billington's budget request, I hope you will recognize the role the Copyright Office plays in protecting intellectual property and turning America's creativity into economic prosperity.

We make the same request for all of the Library's services. It is often said that Congress' Library is one of the wonders of the world, reflecting the achievements of a dynamic, innovative, creative, and prosperous society. The Library is able to provide Congress with authoritative information because it draws from a universal collection of books, journals, maps, photographs, manuscripts, sound recordings, motion pictures, and increasingly, archived Web sites and open source Internet content. These resources are equally available to the American public when they walk through our doors or click open a Web portal to almost unlimited information and inspiration.

The unparalleled collections of the Library are matched by the knowledge, skills and ability of the staff. These include the subject and language experts who prepare the collections for research, the Law Library's legal specialists in foreign and comparative law, the creators of "talking books" for citizens who are blind or have low vision, conservators, or the information technology specialists who convert the Library's treasures for the world-wide web. All of the Library's human and material resources are interrelated and must be in place for the Library to achieve its mission to serve Congress and the American people.

We have a saying in the Guild: "The Library Works Because We Do." We need your continued support so that the dedicated and hard-working staff can continue to make the Library of Congress work for everyone.

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1. Kantor, Paul. Savings to the nation resulting from the existence of LC cataloging records. A consulting report, Library of Congress, 1995. Author website: http://www.paulbkantor.com

2. Fischer, Ruth and Rick Lugg. Library of Congress Study of the North American MARC Records Marketplace, R2 Consulting LLC, October 2009. www.r2consulting.org

3. Siwek, Stephen. Copyright Industries in the U.S. Economy: the 2003-2007 Report, www.IIPA.com.

Subcommittee on Legislative Branch Appropriations

Witness Disclosure Form

Clause 2(g) of rule XI of the Rules of the House of Representatives requires non-governmental witnesses to disclose to the Committee the following information. A non-governmental witness is any witness appearing on behalf of himself/herself or on behalf of an organization other than a federal agency, or a state, local or tribal government.

Your Name, Business Address, and Telephone Number: Saul Schniderman President, Library of Congress Professional Guild AFSCME Local 2910 101 Independence Ave., SE Washington, DC 20540 202.707.6493
1. Are you appearing on behalf of yourself or a non-governmental organization? Please list organization(s) you are representing. Guild (AFSCME Local 2910)
2. Have you or any organization you are representing received any Federal grants or contracts (including any subgrants or subcontracts) since October 1, 2008? No
3. If your response to question #2 is "Yes", please list the amount and source (by agency and program) of each grant or contract, and indicate whether the recipient of such grant or contract was you or the organization(s) you are representing.

Signature: Saul Schniderman Date: 5/11/11

COPYRIGHT OFFICE

Mr. CRENSHAW. Thank you for those thoughts. I think the subcommittee might be interested in knowing, and I would ask you, if you have got any suggestions about how we could streamline or achieve any additional efficiencies in the Copyright Office? Is there anything that comes to mind that you might tell us that you have seen that might be an additional efficiency or streamline that you have observed?

Mr. SCHNIDERMAN. Well, to be frank with you, and the problem began in 2007 with the purchase of a software product that was designed to be a tool for the registration specialist to do their work more efficiently, and instead of being a tool, it became an obstacle. And in 2007 the backlog was up, frankly, at over half a million, and today it is about where it was before they purchased that particular product.

The reason for that is because of efficiencies in the technology which our managers have implemented, and also the hard work of the staff, who has really, really been working hard over these years. So we have been advised that it will not grow. So that problem hopefully has been solved. And now that the backlog is gone, the staff is freed up to being more efficient in their work.

Mr. CRENSHAW. That is good to hear.

Mr. Honda.

Mr. HONDA. The program that took place, what was it supposed to do? Why was it not accomplished in what it was supposed to do?

Mr. SCHNIDERMAN. Well, prior to bringing on this new technology, the Copyright Office reorganized its functions, and it purchased a product that was off the shelf and not tailor-made to the work. And so the staff had to do workarounds; the staff had to figure out how to overcome hurdles. In other words, it was the wrong tool, frankly. And we testified before this committee about the backlog and about the use of the system over the last few years.

So I would say that most of it has been fixed because of the interest expressed by Congress, and also because Dr. Billington, frankly, has directed staff to go into the Copyright Office over the last few years from outside of the office and clean up the backlog.

I could send you more information. I am not a technology person. But apparently upgrades and fixes have been implemented, and it has just taken 2 or 3 years in order to accomplish that task.

Mr. HONDA. I will address that at some other time. Thank you.

Mr. CRENSHAW. Mr. Bishop.

Mr. BISHOP. Thank you very much for your testimony, Mr. Schniderman.

I note that you represent the professional employees at the Library of Congress.

Mr. SCHNIDERMAN. Except for those that work at CRS.

Mr. BISHOP. They have a different bargaining unit?

Mr. SCHNIDERMAN. Yes, a different bargaining unit.

Mr. BISHOP. And an employee's union, which I guess is local 2477, represents the nonprofessional employees at the Library of Congress?

Mr. SCHNIDERMAN. The technicians and the administrative staff, yes, both of whose presidents are here today.

Mr. BISHOP. Thank you very much.

Mr. CRENSHAW. Thank you so much for your testimony and for being here today.

Mr. SCHNIDERMAN. Thank you.

WEDNESDAY, MAY 11, 2011.

THE EMPLOYEES UNION LOCAL 2477 OF THE LIBRARY OF CONGRESS

WITNESS

DARRYL CLARK, PRESIDENT, AFSCME LOCAL 2477, EMPLOYEES UNION OF THE LIBRARY OF CONGRESS

OPENING REMARKS OF CHAIRMAN CRENSHAW

Mr. CRENSHAW. Now we will hear from the Employees Union of the Library of Congress, Darryl Clark, who is president of local 2477. We welcome you here and look forward to your testimony.

OPENING STATEMENT OF DARRYL CLARK

Mr. CLARK. Thank you, Mr. Chairman. I am the other local that represents the employees with Mr. Schniderman that you just listened to.

Mr. Bishop, good morning to the members of the subcommittee. My name is Darryl Clark, and I am the current president of AFSCME Local 2477, the employees union at the Library of Congress, and I, too, appreciate the opportunity to testify before you today. As an employee of the Library of Congress and president of the employees union, which represents over 800 Library of Congress employees, I am here to support the Librarian and the Library of Congress fiscal 2012 budget request.

The employees we represent are dedicated to serve Congress as well as the Nation at large. We understand the tremendous fiscal challenges that our Nation is presently facing. What Dr. Billington has submitted in our fiscal budget represents a careful consideration to what we face as a Nation, while continuing our commitment to serve the Congress and the United States.

In supporting our agency's budget request, I will ask of this committee to consider that over the past 6 years, the Library of Congress has recognized the need to become more fiscally responsible by doing more with less staff. As president of the employees union, I have worked with Library management to ensure that all of the staff reductions would not adversely impact service as we as an agency provide to the Congress and the American people.

The employees of the Library of Congress are truly dedicated to public service. If we were forced to incur major cutbacks with 69 percent of the budget allocated for staff salaries, we would possibly have to furlough staff. In this day and age, with our economy in its fragile condition, furloughs of Federal workers will ultimately slow down our economic recovery. The families of Library workers will be adversely affected by furloughs. The employees who I represent, which are the lowest grade of employees at the Library, cannot afford any furlough time. Many of our employees barely make enough to save for such an event. Our survival for our basic needs depend on the paychecks we bring home.

I asked the Members of this great Congress to consider that the decisions that are made affect real Americans. These employees are not just numbers on paper. A significant number of our staff that I represent are single mothers. They provide the only means for their families. When many of our employees started working for the Library of Congress, they were filled with great pride. They had a sense of inclusion to the American dream. They were given an opportunity to invest in the future of America by providing support services to the Congress and the American people so they can effectively do what is needed to ensure that this very situation we are facing today will not become a reality.

The employees understand that during this time in our history of our great country, we are facing the need to become more fiscally responsible. We are willing to meet that challenge. We feel that furloughs will not help meet this great challenge, but hinder real growth and strip away the pride that working Americans feel every day by coming to work at our great institution.

In closing, Mr. Chairman and members of the subcommittee, we ask that you continue your support of the Library and for your consideration for our fiscal 2012 request. We thank you.

Mr. CRENSHAW. Thank you, Mr. Clark. And thank you for the work that you do at the Library, and thank you for the work that you do to represent the people that you are talking about today.

[The prepared statement of Darryl Clark follows:]

Statement of Darryl W. Clark
President of AFSCME Local 2477,
The Employees Union of the Library of Congress
Before the Subcommittee on the Legislative Branch
Committee on Appropriations
United States House of Representatives
Fiscal 2012 Budget Request
May 11, 2011

Good morning to the Members of the Subcommittee:

As an employee of the Library of Congress and President of the Employees Union, which represents over 800 Library of Congress employees, I am here to support the Librarian and the Library of Congress fiscal 2012 budget request.

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In supporting our agency's budget requests I would ask for this committee to consider that over the past 6 years the Library of Congress has recognized the need to become more fiscally responsible by doing more with less staff. As President of the Employee's Union I have worked with Library management to ensure that all of the staff reductions would not adversely impact service we as an agency provides to the Congress and the American people.

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Mr. Chairman, and Members of the Subcommittee, we ask that you continue your support of the Library and for your consideration of our fiscal 2012 request. We thank you.

Library of Congress Employees' Union
AFSCME Local 2477

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Biographical Information

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2008 to present:	President, Library of Congress Employees Union
2005 to 2008:	Chief Steward, Library of Congress Employees Union
2003 to 2005:	Treasurer, Library of Congress Employees Union
1994 to present:	Library Technician, Library of Congress

LEGISLATIVE BRANCH SUBCOMMITTEE

Witness Disclosure Form

Clause 2(g) of rule XI of the Rules of the House of Representatives requires non-governmental witnesses to disclose to the Committee the following information. A non-governmental witness is any witness appearing on behalf of himself/herself or on behalf of an organization <u>other</u> than a federal agency, or a state, local or tribal government.

Your Name, Business Address, and Telephone Number: Darryl W. Clark LM G41, Library of Congress 101 Independence Avenue, Washington DC 20540 (202)707-4484
1. Are you appearing on behalf of yourself or a non-governmental organization? Please list organization(s) you are representing. **AFSCME Local 2477, The Employees Union of the Library of Congress**
2. Have you or any organization you are representing received any Federal grants or contracts (including any subgrants or subcontracts) since October 1, 2008? Yes (No)
3. If your response to question #2 is "Yes", please list the amount and source (by agency and program) of each grant or contract, and indicate whether the recipient of such grant or contract was you or the organization(s) you are representing.

Signature: Darryl W. Clark Date: 5/4/2011

BARGAINING UNIT EMPLOYEES

Mr. CRENSHAW. Mr. Honda or Mr. Bishop?

Mr. HONDA. Thank you very much.

Mr. BISHOP. No questions. Thank you very much, Mr. Clark.

Well, tell me the jobs in your bargaining unit.

Mr. CLARK. The jobs in our bargaining unit, we do a lot of the support staff work from public programs, to small-level cataloguing support that we also did. During this time I mentioned, in the past 6 years when we had to sort of reduce staff, some of our technicians had to learn more professional-graded material and professional-graded work so that we have now had to sort of step up and to increase our roles in the Library. So we do almost everything that—in some regard that the professional staff does. Also we still have to do our regular technician support: pulling books, materials; re-cataloguing; even helping with the preservation of our collection.

Mr. BISHOP. One other question. Several years ago there was a massive discrimination lawsuit on behalf of the employees at the Library of Congress, which I understand was ultimately settled. How has the settlement been implemented, and are things there better than they were prior to the lawsuit, and are things working well for employees regarding equal opportunity at the Library?

Mr. CLARK. I think you are referring to the Cook-class suit?

Mr. BISHOP. Yes.

Mr. CLARK. Well, some of that sort of predates me, but I would have to say that we tried to make great strides in trying to improve the hiring practices. It is still a work in progress, but I feel as though that we are sort of going in the right direction with some of the initiatives that our union has negotiated with the Library in terms of career development.

We have an excellent career development program at the Library of Congress now, and some of the detail opportunities to give our staff a chance to work and detail different offices so that they can acquire more skills to help our agency become more efficient. So that is part of what we have done in terms of working with more with less.

Mr. BISHOP. And one of the elements of the lawsuit had to do with the conditions of the employment, the conditions under which the employees worked, and the atmosphere under which they worked. Obviously, since you are not sensitive to that, the atmosphere must, I presume, be much better than it was at that time.

Mr. CLARK. I think it is. I think it is getting better. I think that the management has started to recognize that it is a lot easier to work with the labor organizations. So the atmosphere is sort of changing. And I just think that times are changing. So I am starting to see more positive results. Recently one of the members of our executive board now is detailing another service union, so the opportunities are increasing. So I would have to say they are improving.

Mr. BISHOP. Thank you, Mr. Clark.

Mr. CRENSHAW. Thank you, Mr. Clark. And thank you for all that you do to make the Library of Congress the unique place that it is. Thank you very much.

WEDNESDAY, MAY 11, 2011.

SUNLIGHT FOUNDATION

WITNESS

DANIEL SCHUMAN, DIRECTOR, ADVISORY COMMITTEE ON TRANSPARENCY

OPENING REMARKS OF CHAIRMAN CRENSHAW

Mr. CRENSHAW. Next we will hear from Daniel Schuman. He is with the Advisory Committee on Transparency, and he is policy counsel for the Sunlight Foundation. Is that right?

Mr. SCHUMAN. That is right, sir.

Mr. CRENSHAW. We look forward to hearing what you have to say.

OPENING STATEMENT OF DANIEL SCHUMAN

Mr. SCHUMAN. Well, thank you. Thank you, Chairman Crenshaw, Ranking Member Honda, Mr. Bishop. I appreciate the opportunity to speak to you today.

As you mentioned, my name is Daniel Schuman, and I am the policy counsel for Sunlight Foundation, which is a nonpartisan, nonprofit organization dedicated to government openness and transparency. I am here to speak with you today about two issues. One is empowering the Congressional Research Service to better serve Congress and the American people, and the second is to encourage this committee to follow up on its languishing request regarding public access to the raw legislative information that powers THOMAS.

Taxpayers spend around $100 million a year to fund CRS and its nearly 700 staff members. As an administrative unit of the Library of Congress. CRS often furthers the Library's public mission, and its products help frame public debate on foreign issues. As an example, in the last 2 years alone, major newspapers cited CRS reports 779 times, and over the last decade Federal courts have cited CRS reports 130 times.

All the while, the Library of Congress' ability to pay for publishing costs has been restricted by legislative branch appropriations language for every year since 1952. This 59-year-old publishing rule was likely intended as a cost-savings measure, a leftover from the bygone era of expensive layout, printing and distribution costs. It also precedes CRS' creation by nearly two decades.

Times have changed, and these print limitations are a counterproductive anachronism in the Internet age. A coalition of 38 organizations recently wrote to you to urge an end to this restriction, and I am to do so in person today.

Congressional staff already google for CRS Reports. They review Cornell's Constitution Annotated Website to learn about a Supreme Court decision. They search YouTube for briefings on Federal law, and they look to OpenCongress.org, and oftentimes not common, for legislative summaries.

Unfortunately CRS has not kept up with the times and embraces an overbroad interpretation of this publishing restriction, transforming a speed bump into a roadblock, thereby syphoning its ability to innovate to meet your needs, the needs of its clients, and to fulfill its public responsibilities. This diminishes the value that we all receive for our tax dollars.

In short, what I am asking is that you lift the publishing restriction and send CRS an unmistakable signal to modernize. Let me be clear, I am not requesting that all CRS Reports be made publicly available. I am a former attorney with the Congressional Research Service, and I know as well as all of you that one-on-one communications between CRS and individual Members of Congress or their staff are, and ought to be, confidential. Instead, what I am asking is that this committee grant CRS the flexibility to release general distribution products on line without excuse or fear of violating an antiquated publishing restriction.

Speaker Boehner and Majority Leader Cantor recently encouraged the Clerk of the House to develop better on-line tools to make legislative information more open and Congress more accountable to the American people. CRS, the source of much legislative information, should be similarly open.

And with respect to THOMAS, in 2009, this committee adopted a forward-thinking approach that required a report on the issues around granting the American people access to all electronic information at once through a method known as bulk access. And, of course, I have to mention Rob Pierson, who is fantastic to work with, with your office, Representative Honda. Unfortunately, nearly 3 years later, as far as we know, no such report has been generated. A reason why is that the trigger for the release of this report was the launch of legislative information system 2.0, which has not happened and probably will never happen as envisioned.

Of course, the world has not waited. In the interim GPO has published five data sets on line in bulk, including the Code of Federal Regulations and the Federal Register. And data.gov was launched in May 2009 and now has hundreds of thousands of data sets. Technologists, including those up at Sunlight Foundation, are already using this information in new and exciting ways that enhance the public's access to government information.

In the same way, providing bulk access to THOMAS data will give technology innovators an opportunity to creatively use data to solve new problems and address unmet needs. It will put all of this important legislative information into the American people's hands.

We ask for your renewed attention to this new directive, and we urge you to make up for lost time. The committee should grant the public bulk access to legislative documents, bill status and summary information, and other legislative data no later than 120 days after the start of fiscal year 2012. We also ask for the immediate creation of an advisory committee composed of relevant legislative agency members and members of the public that will meet regularly to address the public's need for access to this information and a means by which it is provided.

And finally, as I mentioned before, we ask that you end this publishing restriction. This committee has an unparalleled opportunity to make government open and more accountable. We hope that you seize the moment.

Thank you so much for the opportunity to speak with you today, and I welcome any questions that you have.

Mr. CRENSHAW. Well, thank you very much.

[The prepared statement of Daniel Schuman follows:]

Testimony

of Daniel Schuman
Policy Counsel of the Sunlight Foundation
Director of the Advisory Committee on Transparency

before the Committee on Appropriations
Subcommittee on Legislative Branch
United States House of Representatives

on Appropriations for Fiscal Year 2012
Regarding transparency and funding for the
Congressional Research Service and bulk
access to THOMAS legislative information

May 11, 2011

Comments of the Sunlight Foundation

before the

Committee on Appropriations
Subcommittee on Legislative Branch

May 11, 2011

Chairman Crenshaw, Ranking Member Honda, and members of the Committee, thank you for allowing me to to appear before you today.

My name is Daniel Schuman, and I am the Policy Counsel for the Sunlight Foundation, a non-partisan non-profit dedicated to using the power of the Internet to increase government openness and transparency. I am here today to speak with you about empowering the Congressional Research Service to better serve Congress and the American people by eliminating the red tape that constrains public access to its work, and encouraging this committee to follow-up on its languishing inquiry regarding public access to the raw legislative information that powers THOMAS.

Permit Public Access to General Distribution CRS Products

American taxpayers spend around $100 million a year to fund CRS and its nearly 700-strong staff. As an administrative unit of the Library of Congress, CRS has historically furthered the Library's public mission[1] by, among other things, composing legislative summaries that are published on THOMAS; updating the legal treatise "Constitution of the United States, Analysis and Interpretation;"[2] exchanging ideas with scholars and other interested parties;[3] and writing reports that are made publicly available with some frequency.[4]

CRS products often can be found online. Several private companies sell CRS Reports, for example.[5] Government[6] and non-profit websites[7] also collect the reports and make them available as a public service. Unfortunately, there is no comprehensive source, and updated versions of the reports are frequently unavailable.[8] The legal treatise *Constitution Annotated*, another CRS product, has been published online for a decade through a collaborative GPO/CRS effort, but in an inadequate fashion such that the content is difficult to use and always significantly out-of-date.[9]

CRS products help frame public debate on important issues. In the last two years alone, major newspapers cited CRS reports 779 times, including 70 mentions in the *Washington Post* and 65 mentions in the *New York Times*.[10] Federal courts also have made use of CRS analyses. In the last decade, courts have cited CRS Reports 130 times. From 1973-2010, the U.S. Supreme Court cited CRS Reports 34 times, and circuit courts cited CRS 112 times.[11] Similarly, the *Constitution Annotated* is a sufficiently important public resource that Cornell, Justia, and others have undertaken great effort to republish it online in an integrated and useful format.[12]

Since 1952, annual legislative branch appropriations language has restricted the Library of Congress's ability to pay for publication costs. With minor variations since 1954, annual appropriations bills have required:

> That **no part of such amount** [used to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946] **may be used to pay any salary or expense in connection with any publication, or preparation of material therefor** (except the Digest of Public General Bills), **to be issued by the Library of Congress** unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.[13]

Note that the limitation is drafted to apply to the Library of Congress; CRS was not created until 1970, 18 years after the restriction was first instated, and its predecessor organization, the Legislative Reference Service, played a much more limited role.[14]

It's likely that this 59-year-old restriction was intended as a cost-savings measure, leftover from a bygone era of expensive layout and printing costs.[15] Times have changed, and these limitations are a counterproductive anachronism in the Internet age. A coalition of 38 organizations recently wrote to you to urge an end to the restriction.[16]

Modern CRS products, including CRS Reports, are created in digital form and published on the congressional intranet.[17] Were these products released to the public, it would likely be through electronic means that would impose minimal additional expense. More than ten thousand CRS Reports have already been published online by commercial vendors and public interest groups.[18] Ironically, CRS may be incurring costs in its attempts to prevent reports from being publicly disseminated, especially considering that those efforts are only sporadically effective, constitute a diversion from the agency's core purposes, and are contrary to the Library's mission.

Decisions regarding public access to CRS work products specifically, and library publications generally, ultimately reside with the individual Members of Congress, the coordinating efforts of the Joint Committee on Libraries, and each House.[19] For the last 15 years, CRS's embrace of an overbroad interpretation of the appropriations limitation has stifled its ability to innovate, meet the needs of its clients, and fulfill its public responsibilities. It needs a clear signal from Congress to modernize, and Congress should eliminate CRS's excuse for failing to do so.

When congressional staff google for CRS reports, review Cornell's *Constitution Annotated* website to learn about a Supreme Court decision, search YouTube for a CRS briefing on changes in Federal Law, or attempt to send a constituent a link to a CRS report, they find themselves frustrated or misled. It is wishful thinking to believe that congressional staff will seek out CRS products only in the way that CRS desires. CRS has behaved as if it is statutorily prohibited from lifting a finger to meet its clients halfway.[20]

Let me be clear: no one has requested that all CRS reports be made publicly available. One-on-one communications between CRS and individual Members of Congress or their staff are and ought to be confidential. However, such confidentiality is inappropriate when applied to other CRS products, including reports for general distribution, legislative summaries, the legal treatise *Constitution Annotated.* As former counsel to the House of Representatives Stan Brand wrote in 1998, legal and constitutional concerns often raised by CRS with respect to making CRS Reports available on the Internet "are either overstated, or the extent they are not, provide no basis for arguing that protection of CRS works would be weakened by [legislation to put CRS reports online]."[21]

Speaker Boehner and Majority Leader Cantor recently wrote to the Clerk of the House to encourage the development of a new electronic data standard to make legislative information more open and Congress more accountable to the American people.[22] That same requirement of openness and accountability should apply to CRS – an arm of the legislative branch – except in the instances where confidentiality of support to Members of Congress is appropriate, such as in limited-distribution memoranda and personal consultations. We ask that the Committee bring CRS into the 21st century by granting it the flexibility to release its products online without excuse or fear of violating an antiquated publication restriction.

Public Access to THOMAS Information

There is little need for me to remind this committee of the importance of public access to legislative information. The Pew Research Center's 2010 *Government Online* report found that one in five adults who use the Internet had downloaded or read legislation during the past year.[23] THOMAS, the online portal through which this information flows, has provided an invaluable window into the workings of Congress. Unfortunately, the American people are thirsty for information, but can only access this information one drop at a time.

In 2009, this committee adopted a forward-thinking approach that would have required an examination of granting the American people access the entirety of the legislative archives at once – via a method known as "bulk" access – in its explanatory statement accompanying the Omnibus Appropriations Act of 2009.[24] It said:

> Public Access to Legislative Data.--**There is support for enhancing public access to legislative documents, bill status, summary information, and other legislative data through more direct methods such as bulk data downloads and other means of no-charge digital access to legislative databases**. The Library of Congress, Congressional Research Service, and Government Printing Office and the appropriate entities of the House of Representatives are directed to prepare a report on the feasibility of providing advanced search capabilities. This report is to be provided to the Committees on Appropriations of the House and Senate within 120 days of the release of Legislative Information System 2.0.

Nearly three years later, no such report has been issued (as far as we know). There is no reason to believe that Legislative Information System 2.0 as originally identified will be "released" any time soon, if at all, or in a fashion that would trigger the release of this report.[25]

In the meantime, the Government Printing Office, one of the entities responsible for THOMAS, has published five datasets online in bulk, including the Code of Federal Regulations and the Federal Register.[26] Already technologists have found ways to reuse this information in new and exciting ways that enhance public access.

Although there are ongoing efforts to obtain the data from THOMAS through other means, these methods are prone to error, onerous, slow, and fragile. We must do better. Providing bulk access to THOMAS data would allow users to download large amounts of information at once, providing technology innovators with the ability to creatively use data to solve new problems and address unmet needs. This could include the ability to see how amendments would change bills in real-time, identify similar legislation introduced over multiple congress, allow users to receive alerts upon movement of noteworthy legislation, and much more.[27]

Times have changed since the Committee's original unheeded directive, and we request your renewed attention. We urge the committee to direct the Library of Congress, the Government Printing Office, and the Congressional Research Service – or the agencies that now have responsibility for THOMAS – to provide bulk access to legislative documents, bill status, summary information, and other legislative data within 120 days. In addition, we ask for the immediate creation of an advisory committee composed of members of these agencies and members of the public that regularly meets to address the public's need for public access to this information and the means by which it is provided.

Speaker Boehner and Majority Leader Cantor recently wrote to the Clerk of the House to encourage better public access to House legislative information. We request that you undertake similar efforts for the entirety of Congress's legislative information.

Conclusion

This committee has the unparalleled opportunity to make government more open and accountable. At a minimum, the committee should make clear that CRS has the ability to grant public access to general distribution CRS products by ending this antiquated and outmoded appropriation restriction. It should also bring THOMAS into the 21st century by requiring bulk access to legislative information and public consultation on its evolution. Both of these measures would bring us toward an open, transparent government and an informed, engaged public.

Thank you for the opportunity to testify today. I look forward to your questions.

[1]"To support Congress in fulfilling its constitutional duties and to further the progress of knowledge and creativity for the benefit of the American people," *Strategic Plan: Fiscal Years 2011-2016*, Library of Congress, available at http://1.usa.gov/lVyWm6.

[2]Public availability of the *Constitution Annotated* is required by statute, and in November 2010 the Joint Committee on Printing directed the Library and GPO to improve its accessibility online. http://bit.ly/mLhFcY. Nearly six months later, there is no publicly visible progress.

[3]For much of CRS's history, staff "[a]ttendance at professional association conferences was encouraged and financially supported while, concomitantly, it was clear that CRS general distribution products, such as CRS reports, could be made available to interested parties, domestic or foreign, without limitations." *Across the Hill: The congressional research service and providing research for congress—A retrospective on origins*. Harold Relyea, Government Information Quarterly, Vol. 24, 414-422 (2010).

[4] Many CRS reports are drafted with the knowledge that congressional offices will distribute them to the general public. From 1980 to 1990, CRS published a journal open to public subscription that contained its analysis of important issues before Congress. "Published ten times a year and available to the public by subscription (freely distributed to congressional committees), the *Review* offered original analytical articles, summaries highlighting CRS research products, and other kinds of assistance to the congressional community." *Across the Hill* at 421. It was not until 2007 that CRS began requiring staff to seek "prior approval ... at the division or office level before products are distributed to members of the public." That rule is subject to many exceptions. *Distribution of CRS Products to Non-Congressionals*, internal CRS memo (March 20, 2007), available at http://bit.ly/mqOz9U. CRS worked with the House of Representatives in allowing Member websites to dynamically display CRS Reports. *Legislation of Interest to CRS: Public Access to CRS Reports*, internal CRS memo (December 2003), available at http://bit.ly/iTBdPd. CRS reports it has developed a similar capability in the Senate. *Annual Report for Fiscal Year* 2008 at p. 36, Congressional Research Service, available at http://bit.ly/ilZxvL.

[5]Companies selling reports include Penny Hill Press ($29.95 per report without a subscription), Lexis Nexis Congressional, BNA, CQ/Roll Call, and Westlaw.

[6]Government entities publishing CRS reports online include the Department of State, the U.S Department of Justice, the United States Air Force Academy, the US Embassy in Italy. See http://bit.ly/kATkZo.

[7]Non profit organizations publishing CRS reports online include Open CRS, the National Library for the Environment, the National Agricultural Law Center, the Federation of American Scientists, the Thurgood Marshall Law Library, the University of North Texas, the First Amendment Center. See http://bit.ly/iNSTuO.

[8]It is unfortunate that the public must rely on outdated reports to gain an understanding of Congress's work, especially when more accurate reports are available.

[9]A coalition of organizations have requested better public access to the *Constitution Annotated*, including that it be published online as it is updated and with metadata intact. See *20+ Orgs Ask for Better Access to the Constitution Annotated*, Daniel Schuman (September 17, 2010), available at http://bit.ly/mrvl2n. In November 2010 the Joint Committee on Printing directed CRS and GPO to provide "enhanced access," which satisfied part of coalition's request, but after the elapse of six months no online edition has emerged despite the committee's instruction. See *JCP directs enhanced access to 3 of 'our nation's vital legislative and legal documents,'* Daniel Schuman (February 14, 2011), available at http://bit.ly/mLhFcY. Cornell University's Legal Information Institute has published a prototype of the *Constitution Annotated* online, but is limited by the poor quality and format of the data available from CRS. See http://bit.ly/muSvbb.

[10]Based upon a March 2010 search of the Nexis database using the keywords "'congressional research service' w/2 report" and limited to "major newspapers."

[11]See *Federal Judicial Citation of CRS Reports 19730*-2010, available at http://bit.ly/iyH4Jh.

[12]A print edition is available for purchase from GPO for $226, but it is expensive and cumbersome. In addition to buying the decade-old document, to maximize its usefulness, a user must also buy a biennially updated "pocket part" (for $21) and collate the two documents together.

[13]See, e.g., *Congressional Operations Appropriations Act, 1998*, 105 P.L. 55, available at http://1.usa.gov/j2Bdqe. Unlike later legislation, neither the the *Legislative Branch Appropriation Act of 1952* (82 P.L. 168) nor the *Legislative Branch Appropriation Act of 1953* (82 P.L. 471) included a grant of authority to the Committee on House Administration or the Senate Committee on Rules and Administration to waive this restriction. The *General Appropriations Appropriation Act of 1951* did not impose a publication restriction. (81 P.L. 759)

[14]Even with its limited role, LRS staff studies and compilations of data have been described as "often recei[ving] wide circulation outside as well as inside Congress." *Across the Hill* at 418.

[15]The report accompanying the Legislative Branch Appropriations Act of 1952 supports this view. See http://bit.ly/mDMiUp. Congressional committees had been drawing upon Library funds to publish their reports, a practice that was stopped after the insertion of this language. Based on records from the Committee on Appropriations hearings on

H.R. 5805 in 1954, Congress debated removing the publication restriction two years after it was enacted, but instead decided to grant an exemption to publications that received prior approval from the Committee on House Administration or the Senate Committee on Rules and Administration. It did so as a way to "permit the policy committees to retain strict control over the scope of such a publications program." A concern expressed by Senator Mundt was regarding the possibility that congress may go into the mail-order business. "I can see how that kind of analysis would be in great demand by newspapers and women's clubs, and so forth, and unless put on some compensatory basis would run to quite an expenditure." See http://bit.ly/mxjIGf.

[16]The letter is available at http://scr.bi/iIZiyn. Signatories include the American Association of Law Libraries, the American Association of University Professors, the American Library Association, the American Society of News Editors, the Association of Research Libraries, the Bill of Rights Defense Committee, the Center for Fiscal Accountability, the Center for Investigative Journalism – Puerto Rico, the Center for Media and Democracy, the Center for Responsive Politics, Citizens for Responsibility and Ethics in Washington – CREW, Colgate University Libraries, Defending Dissent Foundation, the Electronic Frontier Foundation, Essential Information, the Federation of American Scientists, Free Government Information, the Government Accountability Project – GAP, Investigate Reporters and Editors, iSolon.org, the Liberty Coalition, the National Coalition for History, National Security Counselors, the Northern California Association of Law Libraries, OMB Watch, OpenTheGovernment.org, Point of Order, the Progressive Librarians Guild, the Project on Government Oversight – POGO, Public Citizen, Reporters Committee for Freedom of the Press, the Society of Professional Journalists, the Special Libraries Association, the Sunlight Foundation, the Union of Concerned Scientists, the Washington Coalition for Open Government, Western Carolina University Libraries, and WildEarth Guardians.

[17] This has been true for quite a while. CRS's 2004 Annual Report touts the CRS Website as "the primary delivery mechanism for CRS analysis and expertise; over 85 percent of the distribution of CRS products was through the Web." At that time print products, such as the "info packs," were made redundant. http://bit.ly/ldTTOd CRS launched a redesigned website in 2009. According to CRS' *2009 Annual Report*, "CRS is committed to delivering to Congress a high-quality, online experience that reinforces the CRS mission of contributing to and supporting an informed national legislature." http://bit.ly/jFTzsz

[18]It is conceivable that CRS could make its products available in bulk to others who publish the reports online, entailing virtually no costs to the agency whatsoever. Other inexpensive methods are easily identifiable.

[19]Many efforts have been undertaken by members of the House and Senate to make CRS Reports publicly available, for example. The following is a list of legislation that has been introduced to that effect. 111th Congress: HR 4983, HR 3763, S Res 118; 110th Congress: HR 2545, S Res. 401; 108th Congress: HR 3630, S Res 54; 107th Congress: S Res. 21; 106th Congress: HR 4582, HR 654, S 393; 105th Congress: HR 3131, S 1578. Members of Congress have also written numerous letters and published many reports on individual and committee websites. Similar letters have been sent over the years. See, for example, *Placing Congressional Research Service Reports and Products on the Internet*, Constitutional Accountability Project (1997), available at http://bit.ly/j2KySZ.

[20]The original authors of the prohibition against library publication never could have imagined the ease of online distribution. There are serious concerns as to whether "publication" applies to online publication, or in this particular context.

[21]Letter to Senator John McCain from Stan Brand, of Brand, Lowell & Ryan, delivered on January 27, 1998, available at http://bit.ly/m8tVSE.

[22] Letter to the Honorable Karen Haas from Speaker John A Boehner and Majority Leader Eric Cantor (April 29, 2011), available at http://scr.bi/inig4d.

[23] View the report here: http://bit.ly/iKWY6Q.

[24]Available at http://bit.ly/kEiOeN.

[25]According to the *Annual Report Fiscal Year 2009* issued by the Congressional Research Service, "the Service and the Library jointly initiated a major, multi-year initiative to develop a strategic direction for the Legislative Information System (LIS)," available at http://bit.ly/mvsCYh. "The project consists of four key strategy areas: ... developing and implementing LIS 2.0...."

[26] See http://1.usa.gov/kukxRG.

[27] See *Apps For THOMAS: 3 wishes*, Daniel Schuman (July 29, 2010), available at http://bit.ly/kiy2hW.

Comments of the Sunlight Foundation

Before the

Committee on Appropriations
Subcommittee on Legislative Branch

May 11, 2011

Daniel Schuman Biography

Daniel Schuman is the Sunlight Foundation's policy counsel and director of the Advisory Committee on Transparency. He works to develop policies that further Sunlight's mission of catalyzing greater government openness and transparency.

An expert on the U.S. Congress, Daniel regularly works with congressional and executive branch staff to craft transparency and ethics legislation and policies. He directs the Advisory Committee on Transparency, a project of the Sunlight Foundation that educations policymakers on transparency-related issues, problems, and solutions, and shares ideas with members of the Congressional Transparency Caucus.

Daniel has served on many task forces, notably including the American Bar Association Administrative Law Section's Lobbying Reform Task Force. He regularly speaks and writes about transparency and technology issues, and has appeared on NPR and C-SPAN and been cited by the New York Times, the Washington Post, and other media outlets.

Daniel graduated *cum laude* from Emory University School of Law, and has worked for Congress, as a Legislative Attorney for the Congressional Research Service, and for a variety of non-profits as both counsel and director of communications.

His twitter name is @danielschuman and his email is dschuman(at)sunlightfoundation.com.

[Insert Subcommittee Name Here]

Witness Disclosure Form

Clause 2(g) of rule XI of the Rules of the House of Representatives requires non-governmental witnesses to disclose to the Committee the following information. A non-governmental witness is any witness appearing on behalf of himself/herself or on behalf of an organization other than a federal agency, or a state, local or tribal government.

Your Name, Business Address, and Telephone Number: Daniel Schuman 1818 N St NW, Ste. 300, Washington, DC 20036 202-742-1520 x273
1. Are you appearing on behalf of yourself or a non-governmental organization? Please list organization(s) you are representing. the Sunlight foundation
2. Have you or any organization you are representing received any Federal grants or contracts (including any subgrants or subcontracts) since October 1, 2008? Yes No
3. If your response to question #2 is "Yes", please list the amount and source (by agency and program) of each grant or contract, and indicate whether the recipient of such grant or contract was you or the organization(s) you are representing.

Signature: Daniel Sch

Date: 5/4/2011

Mr. CRENSHAW. Mr. Honda, do you have any questions?

Mr. HONDA. Much of the published restrictions, is that also digital information that is restricted?

Mr. SCHUMAN. So it shouldn't be.

Mr. HONDA. But it is?

Mr. SCHUMAN. But the way the Congressional Research Service has interpretive provisions as to apply to electronic publishing as well as print publishing, although, of course, there was no Internet in 1952 when this was inserted.

Mr. HONDA. Okay. Thank you very much.

Mr. CRENSHAW. Mr. Bishop.

Mr. BISHOP. Mr. Schuman, the former CRS Director, Mr. Mulhollan, wrote in a 2007 memo that making CRS Reports public would, "cause analysts to become more conscious of the need to address views, methods, disciplines and expectations of a noncongressional audience and thereby shift the focus of our products away from their current emphasis on the congressional audience. As a result, our congressional clients, recognizing such a change in the content and protection afforded our work, would either request more confidential memoranda which are available only to the requester, or more significantly no longer have confidence in CRS' ability to truly serve as their adjunct staff."

How would you respond to that concern?

Mr. SCHUMAN. Well, I would say that it is simply not true. Actually, I hosted a panel discussion this past Monday as part of the Advisory Committee on Transparency where we brought in experts on CRS—Nye Stevens, who served at CRS for a number of years, including in a Director position—as well as having former members of CRS, including their admin law folks.

Unfortunately, to Mr. Mulhollan's point, the ship has already sailed. Ten thousand CRS Reports are already available on line, and any change that would have happened from the general distribution reports coming publicly available has already happened. So if there is any shift that would take place, it would have happened 5 or 10 years ago. So his point is simply no longer connected to reality. I mean, to his credit, he did start as Director before the Internet came about in 1993, so perhaps he may not be as cognizant as he should have of all the other means by which this information is publicly available.

The only thing that would change is that currently the public has access to some reports that are outdated. So you all get phone calls asking questions based on misinformation because the most recent version isn't publicly available, but iteration two or three, you know, a couple months old maybe. This would get rid of that problem in its entirety. The public would have access to the most reliable, most up-to-date information at once.

So anyway, I am sorry, I went on a little.

Oh, and there is one other piece to that as well, which I think you might appreciate. So oftentimes CRS needs to meet the needs first of Congress. And there are requirements in terms of you need to update reports on a regular basis and things along those lines. Well, oftentimes the reports don't need to be changed much, if at all. So what some staff will do is they will simply change a word in the reports, or there could be a change for the date. So it looks like the report has been updated, but, of course, nothing has changed, except, of course, if this committee gets an increasing number of, oh, we have updated 10,000 reports or 5,000 reports or 2,000 reports, but the actual substance is unchanged. So there is also a little bit of a shell game that may be going on that is not entirely obvious.

Mr. BISHOP. And so that is something that CRS could utilize to eliminate duplication and to reduce costs?

Mr. SCHUMAN. So to the cost planning, these reports are already generated in an electronic format. So the gentleman from GPO earlier was talking about 70 percent cost for publication and 30 percent. Well, the publication cost is already done. The reports are already formatted, they are placed on the congressional Internet. So all their work is finished. And, of course, if it is electronic, there is minimal to no distribution cost. And, in fact, people are already building free versions to make that information available already. So from a cost standpoint it would be minimal to nonconsistent.

Mr. BISHOP. Thank you.

Mr. CRENSHAW. I want to thank you very much for your testimony bringing this issue before us. I am sure we will take this into consideration. Thank you very much.

Mr. SCHUMAN. Thank you, sir.

WEDNESDAY, MAY 11, 2011.

CONGRESSIONAL RESEARCH EMPLOYEES ASSOCIATION

WITNESS

DENNIS ROTH, PRESIDENT, CONGRESSIONAL RESEARCH EMPLOYEES ASSOCIATION

OPENING REMARKS OF CHAIRMAN CRENSHAW

Mr. CRENSHAW. Our last witness is Dennis Roth, who is president of the Congressional Research Employees Association. And he is here to talk about the Congressional Research Service budget request. So please, the floor is yours.

OPENING STATEMENT OF DENNIS ROTH

Mr. ROTH. Thank you. Mr. Chairman, Ranking Member Honda, members of the subcommittee, good afternoon. My name is Dennis Roth, president of the Congressional Research Employees Association, IFPTE Local 75, the union representing over 500 CRS bargaining unit employees of which 266 are members. We thank you for the support given to CRS in the 2011 budget and request that you continue to do the same in the 2012 budget.

Among the many responsibilities in the Legislative Reform Act of 1970 carried out by CRS, we believe three demonstrate why the Congress needs to maintain CRS at the highest levels possible. First, CRS analysts and attorneys are statutorily responsible for, one, analyzing, appraising and evaluating legislative proposals and aiding Congress in determining the advisability of enacting such proposals; two, estimating the probable results of such proposals and their alternatives; and three, evaluating alternative methods for accomplishing these results. No outside source can do this with the confidentiality and nonpartisanship demonstrated by CRS.

Second, CRS professionals, information professionals, are statutorily required to prepare and provide information, research and reference materials and services to assist Congress in its legislative and representative functions. These CRS staff also assist analysts in their work. Again, this is done in strict confidentiality and without partisanship.

Third, CRS legislative analysts are statutorily required to prepare summaries and digests of congressional bills and resolutions of a public general nature. Both the Legislative Information Service, which is dedicated to congressional use, and THOMAS, which is available to the public, aids Congress in its representative and legislative responsibilities by providing bill analysis, status of legislative action and other useful information.

In addition, technical and support staff, editors and publishers, and other CRS employees assure that CRS is available and prepared to meet congressional requests and needs in a timely and effective manner.

Former Director Dan Mulhollan noted that the Congressional Research Service should be seen as a shared research. We agree, but CRS is even more. We are a resource with deep and unique institutional knowledge for Congress. We are also a resource that addresses the specific needs of Congress rather than other priorities. Often unrecognized is the depth and breadth of our research and information professionals and their ability to furnish committees, Members of Congress, their staff or their constituents with just the right information given the requester's background in the area, and CRS can do this in a relatively short time.

There are many sources to which the Congress can turn, but none are committed to the statutory requirement of, quote, responding without partisan bias most expeditiously, effectively and efficiently to the special needs of the Congress.

I would now like to shift my remarks to the selection of a new Director for CRS. The subcommittee is aware that CRS Director Dan Mulhollan retired at the beginning of April. By statute a new Director will be appointed by the Librarian after consultation with the Joint Committee on the Library. Although this subcommittee has no direct statutory role in the Director's selection, the subcommittee has shown an interest in the management of CRS in the past.

Last year the House expressed a concern that CRS may have become less connected to the committees and Member offices it serves. Consequently, the Director was required to conduct a formal evaluation of how well its current staffing models and procedures met user needs. The committee also asked that CRS consider the creation of a new mechanism, such as a Member advisory committee, to allow routine discussions between CRS leadership and users. A similar finding of this evaluation was that, and I quote, CRS should develop an approach to proactively understand, target and address the unique needs of its diverse client segment, unquote.

We believe that this can be best accomplished if the new Director has been intimately involved with the Congress for a significant period of time. Former Director Mulhollan noted it takes 3 to 5 years to train an analyst to understand and be responsive to the needs of Congress. We believe this also holds true for CRS leadership. A primary criteria for selecting a new Director should be a well-established familiarity with the Congress.

CRS staff response to the 2010 employee survey administered by OPM identified areas as needing improvement. Among these were personal empowerment with respect to work processes and recognition for creativity and innovation.

The new CRS Director must be willing to engage staff in meaningful discussions so they can offer suggestions on how to do their work. The new Director should be willing to create an environment that welcomes creativity and innovation and seriously considers employees' inputs.

CRS is a multigenerational organization, both baby boomers, Generation Xers and Generation Y/Millennials. The new Director of

CRS must be able to lead, engage and motivate these generations simultaneously.

Finally, we believe that the selection process should be transparent, even though the Librarian, in consultation with the Joint Committee on Library, appoints the Director. We believe the Librarian should advertise for candidates and conduct interviews. By conducting the national search, the best candidates can be identified, and someone who can work both with the Congress and CRS staff will be selected.

Thank you for giving us the opportunity to testify today, and be happy to answer any questions you may have.

Mr. CRENSHAW. Thank you very much.

[The prepared statement of Dennis Roth follows:]

Statement of Dennis M. Roth
President
Congressional Research Employees Association (CREA), IFPTE Local 75
before the
Subcommittee on the Legislative Branch
Committee on Appropriations
U.S. House of Representatives
CRS Fiscal 2012 Budget Request
May 11, 2011

Mr. Chairman, Mr. Honda, and Members of the Subcommittee:

My name is Dennis Roth and I am president of the Congressional Research Employees Association. On behalf of all our members, I would like to thank you for giving us the opportunity today to share our thoughts and concerns on the FY 2012 budget as well as other matters regarding the Congressional Research Service. The Congressional Research Employees Association represents over 500 bargaining unit CRS employees of which 265 are currently dues paying members.

Budget

We realize that the budget for the Legislative Branch and its agencies is very tight now and will be for several years to come. Knowing that, I would like to make the case why this subcommittee should try to maintain the current level of service that CRS provides the Congress.

Among the many responsibilities given to CRS, we believe three demonstrate why the Congress needs to maintain CRS at the highest levels possible.

First, CRS analysts and attorneys are statutorily responsible for analyzing, appraising, and evaluating legislative proposals and aiding Congress in determining the advisability of enacting such proposals; (2) estimating the probable results of such proposals and their alternatives; and (3) evaluating alternative methods for accomplishing these results.

Second, CRS information specialists are statutorily required to prepare and provide information, research, and reference materials and services to assist Congress in legislative and representative functions. These CRS staff also assist analysts in their work. Any of you who perform searches on the internet know how frustrating it can be when you get thousands of hits. Our professionals efficiently and effectively find the information being sought.

Third, CRS legislative analysts are statutorily required to prepare summaries and digests of bills and resolutions of a public general nature introduced in the Senate or House of Representatives. Both the Legislative Information Service (LIS), which is dedicated to Congressional use, and THOMAS, which is available to the public, aid Congress in its representative and legislative responsibilities by providing bill analysis, status of legislative action, and other useful information.

These primary functions are carried out in confidence and without partisan bias.

In addition, technical and support staff, editors and publishers, and other CRS employees assure that CRS is available and prepared to meet congressional requests and needs in a timely and efficient manner. These individuals are the backbone of CRS service to Congress.

In his written testimony, former CRS Director Dan Mulhollan noted that the Congressional Research Service should be seen as a shared resource. We agree and I would like to expound somewhat further on this concept. Not only are we a shared resource, we are a resource with deep and unique institutional knowledge for Congress. We are also a resource that addresses the specific needs of the Congress rather than other priorities. Often unrecognized is the depth and breadth of our research and information professionals and their ability to furnish Members of Congress, their staff, or their constituents, with just the right information given the requesters' background in the area. CRS staff can help a requester understand an issue from its simplest to its most complicated elements. And, CRS can do this in a relatively short time frame.

There are many sources to which the Congress can turn to, but none are committed to the statutory requirement of "responding [without partisan bias] most expeditiously, effectively, and efficiently to the special needs of Congress." CRS products are tailor made for the Congress.

The Congress gets all these services with a non-supervisory, non-managerial staff of little more than 500. We believe the Congress is receiving the most effective and efficient service. And any reductions in Congressional staff make the functions carried out by CRS even more important to maintain and sustain.

<u>Choosing a new CRS Director</u>

The Subcommittee is aware that CRS Director Dan Mulhollan retired at the beginning of April. By statute a new Director will be appointed by the Librarian after consultation with the Joint Committee on the Library. Although this subcommittee has no direct statutory role in the Director's selection, the Subcommittee has shown an interest in the management of CRS in the past.

In its Report 111-160, the House included the following:

CRS Services Evaluation.--The Congressional Research Service (CRS) is an invaluable and highly productive asset for the U.S. Congress and for the public. Its staff provides high quality research to Members and Committees and functions in many cases essentially as extensions of the Congressional legislative staff of the House and the Senate. Notwithstanding this record of accomplishment, the Committee is concerned that the CRS, partially because of the increased use of electronic communications and the adoption of new staff structures, may have become less connected to the Committees and Member Offices it serves. The Committee requests that the Director take steps to evaluate the validity of these concerns including the conduct of a formal evaluation of how well its current staffing models and procedures meet user needs. The Committee also directs that the Congressional Research Service consider creation of a new mechanism such as a Member Advisory Committee which would allow routine discussions between CRS leadership and users.

A seminal finding of this evaluation was that: "To increase responsiveness [to the Congress], CRS should develop an approach to proactively understand, target, and address the unique needs of its diverse client segment." We believe that this is best accomplished if the new Director of CRS has been intimately involved with the Congress for a significant period of time. In previous testimony before this Subcommittee, Director Mulhollan noted that it takes three to five years to train an analyst to understand and be responsive to the needs of the Congress. We believe this is also true with CRS leadership. Thus, we believe a primary criterion for selecting a new Director should be an established familiarity with the Congress.

About a year ago the Library participated in the 2010 Employee Survey administered by the Office of Personnel Management. Two areas identified by CRS staff as needing improvement were:

- the "feeling of personal empowerment with respect to work processes" (only 36 percent of staff felt this was happening) and
- creativity and innovation are rewarded (only 33 percent believed that this was happening in CRS)

The new CRS Director must be willing to engage staff through meaningful discussions so that they can offer suggestions on how they do their work. A 2009 study[1] by the U.S. Merit Systems Protection Board found that "Supervisors in high engagement agencies define clear performance expectations, develop strong working relationships with employees, provide employees with useful feedback, and recognize their contributions." The new Director should be willing to create an environment that welcomes creativity and innovation and seriously considers employees viewpoints.

CRS is a multigenerational organization composed of baby boomers, Generation Xers, and Generation Y/Millennials. The new Director of CRS must be able to lead, engage, and motivate these generations simultaneously. This can be accomplished through strong communications skills as well as a willingness to listen and to enact appropriate change.

Finally, we believe that the selection process should be transparent. Even though the Librarian, in consultation with the Joint Committee on the Library, appoints the Director,

[1] Managing for Engagement – Communication, Connection, and Courage. A Report to the President and the Congress of the United States by the U.S. Merit Systems Protection Board, July 2009

we believe the Librarian should advertise for candidates and conduct interviews. By conducting a national search, the best candidates can be identified and someone who can work both with the Congress and CRS staff selected.

Thank you for giving us the opportunity to appear before you today and I would be happy to address any questions you may have.

Biography

DENNIS M. ROTH

From 1976 to 2000 Mr. Roth served as a labor economist in the Economics Division of the Congressional Research Service at the Library of Congress (CRS). In 2000 the Economics Division was abolished and Mr. Roth was reorganized into the Domestic Social Policy Division. Prior to joining CRS Mr. Roth served as a labor economist in the Office of the Assistant Secretary for Policy, Evaluation, and Research at the Department of Labor for two years.

Mr. Roth has been president of the Congressional Research Employees Association (CREA), IFPTE Local 75, the exclusive representative for all employees of the Congressional Research Service at the Library of Congress, since October 1987. The Library is one of only two legislative branch agencies covered by Title VII of the Civil Service Reform Act of 1978. In 1990 Mr. Roth was elected as Eastern Federal Area Vice President of the International Federation of Professional and Technical Engineers (IFPTE) and served in this position until July of 1997. Mr. Roth was also elected as Executive Vice President of IFPTE in 1994 and served until July 1997.

During the same time period Mr. Roth served as labor co-chair of the Department of Defense Partnership Council.

Mr. Roth completed all requirements, except completion of his dissertation, for a Ph.D. in Economics from the University of California, Berkeley. He received his undergraduate degree, a B.A. in Economics, from Antioch College in Yellow Springs, Ohio in 1968. Under Antioch's work-study program Mr. Roth held several short-term jobs including positions in the Federal Energy Administration and the Council of Economic Advisers. Mr. Roth also took a year abroad under the Antioch program and spent a year at the University of Sheffield in Sheffield, England.

From August 1968 through August 1970 Mr. Roth served as a Peace Corps volunteer in the areas of economic development, food development, and education on the island of Catanduanes in the Philippines. Mr. Roth met his wife Daisy while a Peace Corps volunteer and they have two children, Jessica and Benjamin.

LEGISLATIVE BRANCH SUBCOMMITTEE

Witness Disclosure Form

Clause 2(g) of rule XI of the Rules of the House of Representatives requires non-governmental witnesses to disclose to the Committee the following information. A non-governmental witness is any witness appearing on behalf of himself/herself or on behalf of an organization <u>other</u> than a federal agency, or a state, local or tribal government.

Your Name, Business Address, and Telephone Number: Dennis Roth LM 412 Madison Bldg. Library of Congress Washington, DC 20540-7999
1. Are you appearing on behalf of yourself or a non-governmental organization? Please list organization(s) you are representing. Congressional Research Employees Association (CREA) International Federation of Professional and Technical Engineers Local 75
2. Have you or any organization you are representing received any Federal grants or contracts (including any subgrants or subcontracts) since October 1, 2008? Yes No x
3. If your response to question #2 is "Yes", please list the amount and source (by agency and program) of each grant or contract, and indicate whether the recipient of such grant or contract was you or the organization(s) you are representing.

Signature: Dennis Roth Date: 5/3/2011

RECRUITMENT SELECTION

Mr. CRENSHAW. Mr. Honda, do you have any questions?

Mr. HONDA. In the process of recruitment selection, of the interview of a new Director, you said it needs to be transparent. Define transparency and what portions of the process needs more exposure to transparency involvement so that the issue of transparency can be addressed.

Mr. ROTH. Well, I don't think nationwide people know there is a need for a new Director of CRS. And to advertise it saying we are seeking for a new—just like you would post any position. Right now it is just up to the Librarian to do an internal search in consultation with the Joint Committee on Library and then make the decision, so that it is not in the least exposed to potential candidates for filling the new position.

Mr. HONDA. And then?

Mr. ROTH. And then like any other job, the Librarian would go through a process, select X number to interview, and then make the selection.

Mr. HONDA. I mean, are the people who are in the process of selection decisionmaking, is that a group of folks that will provide the best confidence that the outcome is going to be the best?

Mr. ROTH. We don't know who is making that selection.

Mr. HONDA. Is this joint?

Mr. ROTH. Well, the Joint Committee, they are to be consulted on the Librarian's decision. And I do believe the Library is going around and talking to those Members, but I don't know if they are—if that is the extent of it.

Mr. HONDA. You said the distribution or the announcement being universal. Are there not steps where the applications are brought together and vetted, and who does that?

Mr. ROTH. Normally that is done by our human resources part of the Library. Where they have criteria, they look at the vacancy announcement, they can see the responses to the questions that are asked, they determine the better qualified, they send those to the selecting official. Usually there is a panel of three people who interview that group, and then they make a recommendation to the selecting official.

Mr. HONDA. And the panelists are coming from the stakeholders of the Library outside of the selection of the Librarian?

Mr. ROTH. For our bargaining unit staff you mean, or—for, I guess, like the Copyright Director or the Director of CRS, there are no such mechanisms that they have to use. Or was the Register advertised as a position? Okay. So that would go through that process.

The Director of CRS is not done that way. People on the panel have to be somebody who are very familiar with the position being filled, so they can bring in outside people, they can bring in the retired copyright people.

Mr. HONDA. But are they required to?

Mr. ROTH. Well, they have to be familiar with the subject area for which the person is being hired.

Mr. HONDA. Who decides that?

Mr. ROTH. Management, the Library.

Mr. HONDA. And you are confident that that is——

Mr. ROTH. Well, we don't know what is going on, so——

Mr. HONDA. So I am asking you, what are the areas that need to be more transparent? That is another one?

Mr. ROTH. It would be nice to know who is on the selection panel. That is the technical term for this. How are they going to go out and try to recruit people for the position; once they get the candidates, how they are going to be evaluated? Currently for senior level, which this position is, they have a different selection process.

Mr. HONDA. Why?

Mr. ROTH. The rest of the executive branch went in that direction, and the Library patterned what the executive branch did for senior-level hiring processes. We only have 10 senior-level people out of maybe 40 that used to exist. But since I have been president—or not since I have been president, but since probably in the late 1990s, we have not hired any bargaining unit senior-level people, so we are not familiar with the process and how it would work. They would still have to follow, I guess, what we have under the current merit selection agreement between the union and the Library.

I don't know if I am answering your questions. I see a little puzzlement.

Mr. HONDA. Well, I am just trying to think of how to move through this issue of transparency. I mean, you could have a process that is published, but then each step may not be as transparent as you would like it to be.

Mr. ROTH. Well, the transparency is opening up as wide as possible so people know that there is a position for the Director of the Congressional Research Service. It would be nice to know who is on the selection committee.

Mr. HONDA. It would be nice to know what that process is and what it entails. The people who are involved in each step is going to be critical to the outcome.

Mr. ROTH. For a regular position, a non-Director position, they put together a subject matter expert panel that goes through and looks at all the requirements they would like to have in the position for the Director of CRS. Then they whittle it down with the help of someone from CRS, and that becomes the vacancy announcement. And that is partially based on the position description for the Director of CRS.

Mr. HONDA. Has the job description position announcement been put out already?

Mr. ROTH. As far as we know, there is none. It is not a requirement for the Director of the Congressional Research Service. It is just an appointment made by the Librarian without any procedures specified.

Mr. HONDA. Okay. Thank you.

Mr. CRENSHAW. Well, thank you so much for your testimony. We appreciate it. And this concludes the public witness portion. The committee will stand in recess until Thursday, May 12, when we will hear from the House of Representatives concerning the fiscal year 2012 budget request.

[Additional statements for the record follow:]

Defending Liberty
Pursuing Justice

Thomas M. Susman
Director
Governmental Affairs Office

AMERICAN BAR ASSOCIATION
740 Fifteenth Street, NW
Washington, DC 20005-1022
(202) 662-1760
FAX: (202) 662-1762

May 4, 2011

Representative Ander Crenshaw, Chair
Subcommittee on Legislative Branch Appropriations
U.S. House of Representatives
440 Cannon House Office Building
Washington DC 20515

Representative Michael Honda, Ranking Member
Subcommittee on Legislative Branch Appropriations
U.S. House of Representatives
1713 Longworth House Office Building
Washington DC 20515

Dear Chairman Crenshaw and Ranking Member Honda:

"A stitch in time saves nine." This old maxim remains relevant today when applied to the pressing need for archival storage space for the Library and Law Library of Congress that entails the new Module 5 for the Library's precious and irreplaceable collections.

On behalf of the American Bar Association, I thus write to urge your support for funding this priority request of the Library and Law Library of Congress. We recognize the scarce resources with which your subcommittee is working. As we have stressed in previous years, investment in the Library and Law Library collections is not a sunk cost. Indeed, such investment is all the more important to support today. These collections are invaluable tools for, among other things, empowering American entrepreneurs and corporations to enter and comply with the laws in foreign markets and bring international business to ours. A robust Library collection pays dividends to the American people.

These resources, however, instead face a significant danger of costly damage and permanent loss from improper storage – problems compounded by the sheer magnitude of the collections at risk. With more than 147 million items, the Library of Congress is undeniably running out of space. Even today, volumes are being stacked directly on floors for archival. The Law Library of Congress is projected to run out of shelf space just two years from now.

It is for this reason that we are setting aside our usual requests of your subcommittee so that we might instead amplify the need for relief represented by the construction of Module 5 (Mod5).

Foreseeing the need for archival storage eighteen years ago, Congress approved the transfer of 100 acres at Ft. Meade from the U.S. Army to the Architect of the Capitol for high-density storage facilities. Since then, only four of 13 planned facilities have been completed. The Architect of the Capitol requested for FY2011 $16.9 million for the construction of a fifth facility, Mod5. Mod5 would house an additional 2.5 million volumes, extending the Law Library shelving capacity for an additional 4-6 years.

We believe this cost is not truly avoidable, either. If Congress does not provide the necessary resources for the construction of Mod5, the Library and Law Library will be forced to make unenviable choices among other costly alternatives for off-site storage or choose to allow their collections to become incomplete and out-of-date. We believe the costs presented by Mod5 must be balanced against the costs to the Congress, commerce, and the American people were the Library and Law Library unable to fulfill their missions.

For example, such deterioration of the Law Library collection – particularly to the foreign law collection – would not likely be rectifiable. The laws and legal resources from many foreign nations of interest to Congress, particularly those that do not post official versions of their laws online, are at best difficult and sometimes impossible to acquire within a year or two after initial printing. Insisting that the Law Library must instead attempt to play "catch up" in future years to maintain an up-to-date collection fully equipped to meet the needs of Congress and the nation is truly a costly gamble.

Congress, the nation, and the world should not be placed at such risk; Mod5 should be funded and built without delay. We accordingly urge your consideration of this vital project.

Our traditional requests in support of the elimination of the 554,000-volume backlog of unclassified documents in the Law Library, and the conversion of approximately 4.8 million pages of foreign nations' official legal gazettes to more durable microfilm, remain important projects that we support. Their successful implementation would also help alleviate the current conditions. When a house is on fire, however, one must put out the fire first, and then focus on the causes. Without the timely construction of Mod5, these other projects will be dwarfed by new and more costly problems.

The American Bar Association Standing Committee on the Law Library of Congress is the second-oldest entity of our nearly 400,000 member organization, celebrating a 79 year relationship with the Law Library. We remain committed to service the needs of the Law Library of Congress and offer ourselves as a resource to you and to the Congress concerning its needs and potential solutions.

Thank you for your consideration. I respectfully request that this letter be included in the written record for the Subcommittee's hearings on Legislative Branch Appropriations requests for FY2012.

Sincerely yours,

Thomas M. Susman

Thomas M. Susman

Cc: Members of the House Appropriations Subcommittee
on the Legislative Branch

Thomas M. Susman
Director
Governmental Affairs Office

Defending Liberty
Pursuing Justice
AMERICAN BAR ASSOCIATION
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Washington, DC 20005-1022
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Thomas M. Susman

Mr. Susman is Director of the Governmental Affairs Office and ABA Associate Executive Director, Washington Office, of the American Bar Association, the largest voluntary professional association in the world and the voice of the American legal profession. The ABA Governmental Affairs Offices serves as the focal point for the Association's advocacy efforts before Congress, the Executive Branch, and other governmental entities on diverse issues of importance to the legal profession. Prior to joining the ABA in 2008, he was a partner in the Washington Office of Ropes & Gray LLP for over 25 years. There his work included counseling, litigation, and lobbying on a wide range of regulatory, antitrust, lobbying, ethics, and information law issues.

He is also a nationally recognized expert on lobbying ethics, having written and taught extensively on the topic. He co-edited the American Bar Association's Lobbying Manual; served as an adjunct professor on lobbying at The American University's Washington College of Law; and chairs the Ethics Committee of the American League of Lobbyists. His most recent articles on the subject address lobbying reform, reciprocity, contingent fee lobbying, and the proper role of campaign contributions in lobbying.

Ms. Susman has served in the ABA's House of Delegates and on its Board of Governors. He is a member of the American Law Institute, was Chairman of the National Judicial College, and is President of the District of Columbia Public Library Foundation. Before joining Ropes & Gray, Mr. Susman served on Capitol Hill as chief counsel to the Senate Judiciary Committee and at the U.S. Department of Justice in the Office of Legal Counsel. He is a graduate of Yale University and received his J.D. from the University of Texas Law School.

Subcommittee on the Legislative Branch

Witness Disclosure Form

Clause 2(g) of rule XI of the Rules of the House of Representatives requires non-governmental witnesses to disclose to the Committee the following information. A non-governmental witness is any witness appearing on behalf of himself/herself or on behalf of an organization other than a federal agency, or a state, local or tribal government.

Your Name, Business Address, and Telephone Number:

Thomas M. Susman, Director
Governmental Affairs Office
American Bar Association
740 15th Street, NW, 11th Floor
Washington, DC 20005
(202) 662-1765

1. Are you appearing on behalf of yourself or a non-governmental organization? Please list organization(s) you are representing.

Speaking on behalf of the American Bar Association.

2. Have you or any organization you are representing received any Federal grants or contracts (including any subgrants or subcontracts) since October 1, 2008?

XYesX No

3. If your response to question #2 is "Yes", please list the amount and source (by agency and program) of each grant or contract, and indicate whether the recipient of such grant or contract was you or the organization(s) you are representing.

See attached.

Signature: Thomas M Susman Date: 5/04/11

American Bar Association Fund for Justice and Education
Federal Grants Received From October 1, 2008 to present
03/29/11

ABA Division	Program Title	Federal Funder	Passthrough Agency	Budget	Start Date
YOUNG LAWYERS DIVISION	DISASTER LEGAL SERVICES TRAINING 2009	HOMELAND SECURITY	FEMA	$66,182	2009/01/01
YOUNG LAWYERS DIVISION	INDIANA DISASTER 1795	HOMELAND SECURITY	FEMA	$5,000	2008/10/21
YOUNG LAWYERS DIVISION	ACQUISITIONS GULF COAST RECOVERY DR-1792-LA IKE	HOMELAND SECURITY	FEMA	$5,000	2008/10/09
YOUNG LAWYERS DIVISION	FEMA TRAINING AND MEETING	HOMELAND SECURITY	FEMA	$85,321	2010/05/19
YOUNG LAWYERS DIVISION	FEMA AMERICAN SAMOA 2576	HOMELAND SECURITY	FEMA	$5,000	2009/11/03
YOUNG LAWYERS DIVISION	HHS FEMA KENTUCKY 1912 MAY 2010	HOMELAND SECURITY	FEMA	$5,000	2010/05/26
YOUNG LAWYERS DIVISION	HHS FEMA CONNECTICUT 1904 APRIL 2010	HOMELAND SECURITY	FEMA	$5,000	2010/06/07
YOUNG LAWYERS DIVISION	FEMA 2011	HOMELAND SECURITY	FEMA	$5,000	2011/01/01
PUBLIC EDUCATION	CHAMPIONING OUR YOUTH JUVENILE MENTORING	DEPARTMENT OF JUSTICE		$955,315	2008/10/01
PUBLIC EDUCATION	NEH - BRIDGING CULTURES	NATIONAL ENDOWMENT FOR THE HUMANITIES		$248,508	2010/10/01
AFRICA LAW COUNCIL	DEV LOCAL CAPACITY TO INVESTIGATE CASES OF MASS VIOLENCE IN NORTH KIVU	US DEPARTMENT OF STATE		$1,309,439	2009/09/23
AFRICA LAW COUNCIL	DRC COMBATING MASS VIOLENCE	US DEPARTMENT OF STATE		$1,000,000	2009/09/21
AFRICA LAW COUNCIL	STATE DEPT MALI COMBATING SLAVERY	US DEPARTMENT OF STATE		$742,574	2010/09/24
AFRICA LAW COUNCIL	DRC COMBATING MASS VIOLENCE IMA	US AGENCY FOR INTERNATIONAL DEVELOPMENT	INTERCHURCH MEDICAL ASSISTANCE	$295,349	2010/07/14
AFRICA LAW COUNCIL	DRC COMBATING MASS VIOLENCE IMC	US AGENCY FOR INTERNATIONAL DEVELOPMENT	INTERNATIONAL MEDICAL CORPS	$295,099	2010/08/01
ASIA LAW COUNCIL	RUSSIA RULE OF LAW	US AGENCY FOR INTERNATIONAL DEVELOPMENT		$8,505,000	2008/10/01
ASIA LAW COUNCIL	CHINA CRIMINAL JUSTICE	US AGENCY FOR INTERNATIONAL DEVELOPMENT		$2,400,000	2008/10/01
ASIA LAW COUNCIL	CAMBODIA HUMAN RIGHTS 2008-09	US AGENCY FOR INTERNATIONAL DEVELOPMENT	EAST WEST MANAGEMENT INSTITUTE	$1,415,223	2008/10/01
ASIA LAW COUNCIL	PANAMA LAWFULNESS PROGRAM	US DEPARTMENT OF STATE		$925,000	2009/02/16
ASIA LAW COUNCIL	DEMOCRACY FUND HUMAN RIGHTS - MEDIAL LIBEL	US AGENCY FOR INTERNATIONAL DEVELOPMENT	FREEDOM HOUSE	$423,528	2009/09/30
ASIA LAW COUNCIL	JUDICIAL SECTOR REFORM PHILIPPINES	US AGENCY FOR INTERNATIONAL DEVELOPMENT		$4,401,305	2009/10/01
ASIA LAW COUNCIL	ASEAN HUMAN RIGHTS MECHANISMS	US DEPARTMENT OF STATE		$127,500	2009/07/10
ASIA LAW COUNCIL	ENHANCING HUMAN RIGHTS VIOLATIONS IN SOUTHERN THAILAND	US DEPARTMENT OF STATE		$700,000	2009/08/17
ASIA LAW COUNCIL	WOMEN'S RIGHTS IN BANGLADESH	US DEPARTMENT OF STATE		$725,000	2008/12/22
ASIA LAW COUNCIL	CENTRAL ASIA REGIONAL CRIMINAL LAW PROGRAM	US DEPARTMENT OF STATE		$908,784	2009/09/25
ASIA LAW COUNCIL	FH ARMENIA RULE OF LAW 09-12	US AGENCY FOR INTERNATIONAL DEVELOPMENT	FREEDOM HOUSE	$1,328,524	2009/05/08
ASIA LAW COUNCIL	GENDER EQUALITY IN TAJIKISTAN	US DEPARTMENT OF STATE		$600,000	2008/12/17
ASIA LAW COUNCIL	MONGOLIA COMBATING HUMAN TRAFFICKING THROUGH LEGAL PROGRAM	US DEPARTMENT OF STATE		$465,000	2009/09/30
ASIA LAW COUNCIL	NEPAL PROSECUTION OF TRAFFICKING	US DEPARTMENT OF STATE		$415,000	2009/09/30
ASIA LAW COUNCIL	PROVIDING COMPREHEN FORENSIC ASSISTANCE NEPAL	US DEPARTMENT OF STATE		$1,309,439	2009/09/22
ASIA LAW COUNCIL	CHINA RIGHTS ADVOCACY	US DEPARTMENT OF STATE		$1,500,000	2010/02/01
ASIA LAW COUNCIL	SOLOMON ISLANDS LEGAL FRAMEWORK	US DEPARTMENT OF STATE		$150,000	2010/03/01
ASIA LAW COUNCIL	ASIA REGIONAL ANTI CORRUPTION	DEPARTMENT OF JUSTICE		$847,312	2009/01/01
LATIN AMERICA COUNCIL	ECUADOR CRIMINAL JUSTICE 09-10	US DEPARTMENT OF STATE		$1,650,000	2009/02/16
LATIN AMERICA COUNCIL	PANAMA LAWFULNESS PROGRAM	US DEPARTMENT OF STATE		$925,000	2009/02/16
LATIN AMERICA COUNCIL	USAID MEXICO JUDICIAL EXCHANGES	US AGENCY FOR INTERNATIONAL DEVELOPMENT		$1,000,000	2010/06/03
LATIN AMERICA COUNCIL	STATE NICARAGUA JUVENILE JUSTICE	US DEPARTMENT OF STATE		$100,000	2010/07/01
LATIN AMERICA COUNCIL	COMBAT TRANSNATIONAL CRIME BELIZE	US DEPARTMENT OF STATE		$916,000	2010/07/01
LATIN AMERICA COUNCIL	GUATEMALA PROSECUTORIAL CAPACITY BUILDING	US DEPARTMENT OF STATE		$793,000	2010/07/01
RULE OF LAW INITIATIVE	FH HIV/AIDS LEGAL ASSESSMENT	US AGENCY FOR INTERNATIONAL DEVELOPMENT	FREEDOM HOUSE	$120,773	2010/02/01
RULE OF LAW INITIATIVE	DEMOCRACY FUND HUMAN RIGHTS - COURT MONITORING & EDUCATION	US AGENCY FOR INTERNATIONAL DEVELOPMENT	FREEDOM HOUSE	$1,162,918	2009/09/30
RULE OF LAW INITIATIVE	DEMOCRACY FUND HUMAN RIGHTS - MEDIAL LIBEL	US AGENCY FOR INTERNATIONAL DEVELOPMENT	FREEDOM HOUSE	$423,528	2009/09/30
RULE OF LAW INITIATIVE	DEMOCRACY FUND HUMAN RIGHTS - ACCESS TO JUSTICE	US AGENCY FOR INTERNATIONAL DEVELOPMENT	FREEDOM HOUSE	$829,012	2009/09/30
RULE OF LAW INITIATIVE	WOMENS RIGHTS IN BANGLADESH	US DEPARTMENT OF STATE		$725,000	2008/12/22
MIDDLE EAST AND NORTH AFRICA	STRENGTHEN LEGAL PROFESSION IN IRAN	US AGENCY FOR INTERNATIONAL DEVELOPMENT		$1,989,102	2009/09/14
MIDDLE EAST AND NORTH AFRICA	MENA REGIONAL ANTI TRAFFICKING	US DEPARTMENT OF STATE		$475,000	2010/02/01
MIDDLE EAST AND NORTH AFRICA	QATAR WOMENS UNIVERSITY	US DEPARTMENT OF STATE		$500,000	2010/04/30
MIDDLE EAST AND NORTH AFRICA	STATE MOROCCO RIGHTS OF YOUTH	US DEPARTMENT OF STATE		$495,049	2010/09/14
CENTRAL AND EASTERN EUROPE LAW INITIATIVE	RUSSIA RULE OF LAW	US AGENCY FOR INTERNATIONAL DEVELOPMENT		$8,505,000	2008/10/01
CENTRAL AND EASTERN EUROPE LAW INITIATIVE	CHINA CRIMINAL JUSTICE	US AGENCY FOR INTERNATIONAL DEVELOPMENT		$2,400,000	2008/10/01
CENTRAL AND EASTERN EUROPE LAW INITIATIVE	CAMBODIA HUMAN RIGHTS 2008-09	US AGENCY FOR INTERNATIONAL DEVELOPMENT	EAST WEST MANAGEMENT INSTITUTE	$1,415,223	2008/10/01
CENTRAL AND EASTERN EUROPE LAW INITIATIVE	TAJIKISTAN CRIMINAL JUSTICE	US DEPARTMENT OF STATE		$1,729,000	2009/12/01
CENTRAL AND EASTERN EUROPE LAW INITIATIVE	GEORGIA DEFENSE ATTORNEY TRAINING	US DEPARTMENT OF STATE		$350,000	2010/03/01

YOUNG LAWYERS DIVISION	DISASTER LEGAL SERVICES TRAINING 2009	HOMELAND SECURITY	FEMA	$66,182	2009/01/01
CENTRAL AND EASTERN EUROPE LAW INITIATIVE	PROMOTING CIVIL SOCIETY IN TURKMENISTAN	US DEPARTMENT OF STATE		$500,000	2009/09/02
CENTRAL AND EASTERN EUROPE LAW INITIATIVE	ARMENIA PRE TRIAL DETENTION & SENTENCING	US DEPARTMENT OF STATE		$241,500	2009/10/01
CENTRAL AND EASTERN EUROPE LAW INITIATIVE	JUDICIAL SECTOR REFORM PHILIPPINES	US AGENCY FOR INTERNATIONAL DEVELOPMENT		$4,401,305	2009/10/01
CENTRAL AND EASTERN EUROPE LAW INITIATIVE	ENHANCING HUMAN RIGHTS VIOLATIONS IN SOUTHERN THAILAND	US DEPARTMENT OF STATE		$700,000	2009/08/17
CENTRAL AND EASTERN EUROPE LAW INITIATIVE	WOMENS RIGHTS IN BANGLADESH	US DEPARTMENT OF STATE		$725,000	2008/12/22
CENTRAL AND EASTERN EUROPE LAW INITIATIVE	FH AZERBAIJAN RULE OF LAW PROGRAM	US AGENCY FOR INTERNATIONAL DEVELOPMENT	FREEDOM HOUSE	$1,751,691	2009/09/25
CENTRAL AND EASTERN EUROPE LAW INITIATIVE	CENTRAL ASIA REGIONAL CRIMINAL LAW PROGRAM	US DEPARTMENT OF STATE		$908,784	2009/09/25
CENTRAL AND EASTERN EUROPE LAW INITIATIVE	FH ARMENIA RULE OF LAW 09-12	US AGENCY FOR INTERNATIONAL DEVELOPMENT	FREEDOM HOUSE	$1,328,524	2009/05/08
CENTRAL AND EASTERN EUROPE LAW INITIATIVE	INTL TRADE LAW ANTI CORR TURKMENISTAN	US DEPARTMENT OF STATE		$380,000	2009/08/10
CENTRAL AND EASTERN EUROPE LAW INITIATIVE	UZBEKISTAN HUMAN RIGHTS AND PUBLIC DEF	US AGENCY FOR INTERNATIONAL DEVELOPMENT	FREEDOM HOUSE	$395,000	2008/11/01
CENTRAL AND EASTERN EUROPE LAW INITIATIVE	GENDER EQUALITY IN TAJIKISTAN	US DEPARTMENT OF STATE		$600,000	2008/12/17
CENTRAL AND EASTERN EUROPE LAW INITIATIVE	GENDER ADVOCACY IN UZBEKISTAN	US DEPARTMENT OF STATE		$675,000	2008/12/17
CENTRAL AND EASTERN EUROPE LAW INITIATIVE	STRENGTHEN LEGAL PROFESSION IN IRAN	US AGENCY FOR INTERNATIONAL DEVELOPMENT		$1,989,102	2009/09/14
CENTRAL AND EASTERN EUROPE LAW INITIATIVE	COMBATING HUMAN TRAFFICKING KYRGYZSTAN	US DEPARTMENT OF STATE		$300,000	2009/09/30
CENTRAL AND EASTERN EUROPE LAW INITIATIVE	KYRGYZSTAN CRIMINAL LAW	US DEPARTMENT OF STATE		$300,000	2010/04/01
CENTRAL AND EASTERN EUROPE LAW INITIATIVE	CRIMINAL LAW ASSISTANCE SERBIA	DEPARTMENT OF JUSTICE		$72,312	2009/06/01
CENTRAL AND EASTERN EUROPE LAW INITIATIVE	AZERBAIJAN CRIMINAL RIGHTS	US DEPARTMENT OF STATE		$700,000	2010/03/02
CENTRAL AND EASTERN EUROPE LAW INITIATIVE	MONGOLIA COMBATING HUMAN TRAFFICKING THROUGH LEGAL PROGRAM	US DEPARTMENT OF STATE		$465,000	2009/09/30
CENTRAL AND EASTERN EUROPE LAW INITIATIVE	COMBATING HUMAN TRAFFICKING	US DEPARTMENT OF STATE		$475,000	2010/02/01
CENTRAL AND EASTERN EUROPE LAW INITIATIVE	STATE KYRGYZSTAN CONST REFERENDUM	US DEPARTMENT OF STATE		$225,000	2010/06/14
CENTRAL AND EASTERN EUROPE LAW INITIATIVE	STATE CEE REGIONAL ROMA	US DEPARTMENT OF STATE		$792,080	2010/07/22
CENTRAL AND EASTERN EUROPE LAW INITIATIVE	STATE RUSSIA XENOPHOBIA	US DEPARTMENT OF STATE		$749,600	2010/07/22
CENTRAL AND EASTERN EUROPE LAW INITIATIVE	STATE UKRAINE XENOPHOBIA	US DEPARTMENT OF STATE		$850,400	2010/07/22
CENTRAL AND EASTERN EUROPE LAW INITIATIVE	STATE UKRAINE CHILD TRAFFICKING	US DEPARTMENT OF STATE		$200,000	2010/09/01
CENTRAL AND EASTERN EUROPE LAW INITIATIVE	STATE UKRAINE CYBER CRIME	US DEPARTMENT OF STATE		$344,079	2010/09/01
CENTRAL AND EASTERN EUROPE LAW INITIATIVE	DOJ KOSOVO CRIMINAL LAW	DEPARTMENT OF JUSTICE		$192,000	2010/08/01
CENTRAL AND EASTERN EUROPE LAW INITIATIVE	STATE DEPT AZERBAIJAN GTIP	US DEPARTMENT OF STATE		$600,000	2010/10/01
CENTRAL AND EASTERN EUROPE LAW INITIATIVE	STATE KYRGYZSTAN POST CONFLICT YOUTH	US DEPARTMENT OF STATE		$150,000	2010/09/30
CENTRAL AND EASTERN EUROPE LAW INITIATIVE	STATE AZERBAIJAN MEDIA LAW	US DEPARTMENT OF STATE		$715,000	2010/09/14
CENTRAL AND EASTERN EUROPE LAW INITIATIVE	STATE AZERBAIJAN CRIMINAL LAW	US DEPARTMENT OF STATE		$325,801	2010/12/10
DOMESTIC VIOLENCE	NATL INSTITUTE OF EXPANDING GLBT VICTIMS	DEPARTMENT OF JUSTICE		$20,866	2008/10/01
DOMESTIC VIOLENCE	NATL CONF ON LEG NEEDS OF HUMAN TRAF VIC	DEPARTMENT OF JUSTICE		$5,000	2008/10/01
DOMESTIC VIOLENCE	ADVANCED CIVIL LEGAL ASSISTANCE PROJECT	DEPARTMENT OF JUSTICE		$700,000	2009/05/01
CHILDREN AND THE LAW	INFANTS AND CHILDREN 09-10	DEPARTMENT OF HEALTH AND HUMAN SERVICES		$469,452	2009/05/01
CHILDREN AND THE LAW	QIC CHILD PROTECTIVE SERVICES	DEPARTMENT OF HEALTH AND HUMAN SERVICES	AMERICAN HUMANE ASSOCIATION	$103,712	2008/10/01
CHILDREN AND THE LAW	LEGAL RESOURCE CENTER 09-10	DEPARTMENT OF HEALTH AND HUMAN SERVICES		$185,000	2009/08/01
CHILDREN AND THE LAW	NATIONAL CHILD WELFARE RESOURCE CENTER 09-10	DEPARTMENT OF HEALTH AND HUMAN SERVICES		$1,150,000	2009/09/30
CHILDREN AND THE LAW	PA PERMANENCY BARRIERS 09-10	DEPARTMENT OF HEALTH AND HUMAN SERVICES	DIAKOM LUTHERAN SOCIAL MINISTRIES	$875,000	2009/07/01
CHILDREN AND THE LAW	PIPPAH 09-10	DEPARTMENT OF HEALTH AND HUMAN SERVICES		$60,317	2009/09/01
CHILDREN AND THE LAW	TRIAL SKILLS TRAINING - NCJFCJ	DEPARTMENT OF JUSTICE	NCJFCJ	$130,000	2009/10/01
CHILDREN AND THE LAW	WALTER R MCDONALD & ASSOC (WRMA)	DEPARTMENT OF HEALTH AND HUMAN SERVICES	WALTER R MACDONALD AND ASSOC.	$42,890	2009/09/21
CHILDREN AND THE LAW	CRIMINAL COURTS TECHNICAL ASSISTANCE	DEPARTMENT OF JUSTICE	AMERICAN UNIVERSITY	$68,589	2010/01/01
CHILDREN AND THE LAW	NATIONAL CHILDRENS ADVOCACY CENTER	DEPARTMENT OF JUSTICE	NAT'L CHILDRENS ADV CTR SRCAC	$49,987	2010/04/01
CHILDREN AND THE LAW	HHS PIPPAH	DEPARTMENT OF HEALTH AND HUMAN SERVICES		$139,683	2010/09/01
CHILDREN AND THE LAW	PA DEPT HUMAN SERVICES/HHS DIAKON PREAWARD	DEPARTMENT OF HEALTH AND HUMAN SERVICES	DIAKOM LUTHERAN SOCIAL MINISTRIES	$525,000	2010/12/31
CHILDREN AND THE LAW	HHS/ACF SERVICE CENTER	DEPARTMENT OF HEALTH AND HUMAN SERVICES		$1,150,000	2010/09/30
CHILDREN AND THE LAW	HHS AM HUMANE-QIC FATHERS YR 5 PREAWARD	DEPARTMENT OF HEALTH AND HUMAN SERVICES	AMERICAN HUMANE ASSOCIATION	$101,027	2010/09/30
CHILDREN AND THE LAW	HHS IOWA CHIILDRENS JUSTICE ADV COMM	DEPARTMENT OF HEALTH AND HUMAN SERVICES	IOWA JUDICIAL BRANCH	$30,000	2010/09/30
CHILDREN AND THE LAW	HHS WYOMING CHILDRENS JUSTICE	DEPARTMENT OF HEALTH AND HUMAN SERVICES	WYOMING SUPREME COURT	$30,000	2011/01/01
CHILDREN AND THE LAW	HRSA MATERNAL AND CHILD HEALTH PROGRAM	DEPARTMENT OF HEALTH AND HUMAN SERVICES		$200,000	2011/02/01
COMMISSION ON IMMIGRATION	DOJ VERA SAN DIEGO	DEPARTMENT OF JUSTICE	VERA INSTITUTE OF JUSTICE	$196,564	2009/01/01
COMMISSION ON IMMIGRATION	HHS VERA VAIJ	DEPARTMENT OF HEALTH AND HUMAN SERVICES	VERA INSTITUTE OF JUSTICE	$48,823	2010/03/01
COMMISSION ON IMMIGRATION	DOJ VERA IJP	DEPARTMENT OF JUSTICE	VERA INSTITUTE OF JUSTICE	$140,596	2010/05/01
COMMISSION ON IMMIGRATION	DOJ VERA PRO BAR	DEPARTMENT OF JUSTICE	VERA INSTITUTE OF JUSTICE	$210,647	2010/05/01
COMMISSION ON IMMIGRATION	PROBAR HHS VERA	DEPARTMENT OF HEALTH AND HUMAN SERVICES	VERA INSTITUTE OF JUSTICE	$499,866	2010/09/01
COMMISSION ON IMMIGRATION	CLINIC LOPC	DEPARTMENT OF JUSTICE	CATHOLIC IMMIGRATION NETWORK	$64,510	2010/09/03
LEGAL & INDIGENT DEFENDANTS	INDIGENT TRAINING	DEPARTMENT OF JUSTICE		$769,634	2009/10/01
COMMISSION ON LAW AND AGING	LEGAL RESOURCE CENTER 09-10	DEPARTMENT OF HEALTH AND HUMAN SERVICES		$185,000	2009/08/01

YOUNG LAWYERS DIVISION	DISASTER LEGAL SERVICES TRAINING 2009	HOMELAND SECURITY	FEMA	$66,182	2009/01/01
COMMISSION ON LAW AND AGING	NAT'L LEGAL RESOURCES CTR YR 4	DEPARTMENT OF HEALTH AND HUMAN SERVICES		$185,000	2010/08/01
COMMISSION ON LAW AND AGING	DOJ ELDER ABUSE POCKET GUIDE	DEPARTMENT OF JUSTICE		$249,054	2010/10/01
YOUTH EDUCATION FOR CITIZENSHIP	CHAMPIONING OUR YOUTH JUVENILE MENTORING	DEPARTMENT OF JUSTICE		$955,315	2008/10/01
CRIMINAL JUSTICE	RACIAL JUSTICE TASK FORCE PILOT PROJECT	DEPARTMENT OF JUSTICE		$453,456	2009/10/01
CRIMINAL JUSTICE	STUDY COLLATERAL CONSEQUENCES FOR CRIMINAL CONVICTIONS	DEPARTMENT OF JUSTICE		$707,924	2009/10/01
COUNCIL ON LEGAL ED OPPORTUNITY	THURGOOD MARSHALL DOE	US DEPARTMENT OF EDUCATION		$3,000,000	2009/09/01
COUNCIL ON LEGAL ED OPPORTUNITY	THURGOOD MARSHALL DOE	US DEPARTMENT OF EDUCATION		$3,000,000	2010/09/01

American Association of Law Libraries

MAXIMIZING THE POWER OF THE LAW LIBRARY COMMUNITY SINCE 1906

May 13, 2011

Representative Ander Crenshaw
Chairman
Subcommittee on Legislative Branch Appropriations
U.S. House of Representatives
440 Cannon House Office Building
Washington, DC 20515

Representative Michael Honda
Ranking Member
Subcommittee on Legislative Branch Appropriations
U.S. House of Representatives
1713 Longworth House Office Building
Washington, DC 20515

Dear Chairman Crenshaw and Ranking Member Honda:

On behalf of the American Association of Law Libraries (AALL), thank you for this opportunity to support the FY 2012 budget requests of two key federal institutions funded by the Legislative Branch Appropriations Subcommittee: the Library of Congress (LC) and the Government Printing Office (GPO).

AALL and its members offer unique expertise and leadership regarding LC and GPO programs. AALL was founded in 1906 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. Today, with over 5,000 members, the Association represents law librarians and related professionals who are affiliated with a wide range of institutions: law firms; law schools; corporate legal departments; courts; and local, state and federal government agencies.

Since the ready availability of legal information is a necessary requirement for a just and democratic society, AALL and its members advocate and work toward fair and equitable access to authentic current and historic legal information, and

AALL Government Relations Office
http://www.aallnet.org/main-menu/Advocacy/aallwash
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Washington, DC 20001

AALL Headquarters
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105 West Adams Street, Suite 3300
Chicago, IL 60603

educate and train library users to be knowledgeable and skilled legal information consumers. In this context, AALL urges the Subcommittee to provide the requested modest funding increases for both LC and GPO, and offers strong support for their identified priority initiatives. AALL also urges the Subcommittee to eliminate decades-old legislative branch appropriations language that is preventing the Congressional Research Service (CRS) from making its reports available to the public.

Library of Congress

AALL supports a strong Library of Congress and urges the Subcommittee to fully fund the Library's FY 2012 budget request. As an association of law librarians, of course AALL has a particular interest in the Law Library of Congress. The programs and services of the Law Library of Congress are important to the Library of Congress in fulfilling its mission to effectively serve the Congress and the nation, and to the successful operation of all law libraries.

The Library's overall budget request asks for a 2.8 percent increase for the Law Library over FY 2011, an amount necessary to support mandatory pay related and price level increases. This modest request is vitally necessary to allow the Law Library to continue its FY 2012 priority activities which include classification of the remaining 545,000 volumes to Class K. Currently, unclassified materials are not fully accessible to scholars, lawyers, and the general public. In addition, AALL has long supported the Law Library's digital initiatives, including OneWorldLawLibrary/Law.Gov, and efforts to preserve and disseminate historic Congressional materials which benefit Congress and all citizens. AALL also supports the Law Library's work to secure its nearly 30,000 rare and unique legal materials for the benefit of the nation.

The Library of Congress is also facing a crisis regarding a lack of storage space for its vast collections; while this crisis affects all Library collections, this lack of space will significantly affect the Law Library's future ability to acquire and maintain current legal materials. If legal materials and legal gazettes from nations around the world are not acquired and put in a stable environment, then these critical resources for legal research will quickly disintegrate and be lost forever. To address this problem, the Architect of the Capitol, which is responsible for maintenance and construction of Library facilities, has requested $8.884 million to complete Phase I of a new storage facility, known as Modular (Mod) 5 at the Library's 100 acre campus at Ft. Meade in Maryland. Phase I would provide temporary storage of such newly acquired materials while awaiting processing. Phase II, which will require an additional $8.1 million in FY 2013, would provide permanent long-term collection storage. AALL urges Congress to provide full funding for this capital project to ensure that the Law Library continues to be the world's foremost repository of laws.

The availability of accurate and current copyright information is also of great concern to AALL and its members; AALL's very active Copyright Committee monitors many legislative, political and judicial developments that affect domestic and international copyright law. The Library's overall budget request asks for a 1.7 percent increase for the Copyright Office over FY 2012, an amount necessary to support mandatory pay related and price level increases. AALL urges the Subcommittee to fully fund the Library's request and strongly supports the Office's priorities to decrease registration and recordation processing times and to maximize production levels of the Copyright Records Digitization Project. Accurate, timely and available copyright registration records are extremely important for law librarians, among many others, in their research to document and locate copyright owners.

Finally, AALL urges the Subcommittee to take steps to ensure more open government and access to government-sponsored information without expending any additional funding. Specifically, AALL requests that the Subcommittee eliminate legislative branch appropriations language that prohibits the Library of Congress's Congressional Research Service from expending funds to make its reports publicly available. Open government and transparency are vital in a democracy. In April, AALL joined many other organizations in a letter urging the Subcommittee to take this action. As the April 4 letter stated, eliminating this language would not require CRS to make its reports publicly available; instead it would allow a decision to be made on the merits as to whether the report should be released. These reports play a critical role in our legislative process and, when made available, inform the public debate about our nation's policies. In the last two years alone, major newspapers cited the Congressional Research Service 779 times, with 70 mentions in the *Washington Post* and 65 in the *New York Times*. The U.S. Supreme Court has cited CRS 34 times and the circuit court made 112 citations, with 130 judicial citations in the last decade alone. More than ten thousand CRS reports have already been made publicly available by commercial vendors (for a fee) and by public interest groups, with no adverse effect on CRS performance.

For all these reasons, AALL urges the Subcommittee to eliminate this decades-old legislative language and provide the opportunity for CRS to share these important reports with the public, for free.

Government Printing Office

Open government is the bedrock of democracy and the Government Printing Office's (GPO) role in providing access to government information is essential. AALL notes the GPO's submitted FY 2012 budget reflects a 3.4 percent reduction from its original request to the Office of Management and Budget as GPO has implemented efforts to improve management structure and production efficiencies.

First, AALL supports GPO's Congressional Printing and Binding funding request. Congressional materials are core documents of our democracy and federal depository libraries must have the option of receiving them in print. AALL applauds GPO's efforts to increase efficiencies and take advantage of new and emerging technologies. However, AALL cautions Congress not to hastily eliminate or drastically reduce available printed copies of important government documents and records simply in the name of budget cutting. We therefore urge Congress to fully fund the GPO's request for $100 million for the cost of congressional information products and services as authorized by law.

Second, AALL supports the continued development of GPO's Federal Digital System (FDsys). Last year, AALL reported that its members were very pleased with its improved search capabilities and the additional collections that have been added since then. We believe that the complete migration of the GPO Access system into FDsys must be a top priority. We urge the Subcommittee to fully fund GPO's Salaries and Expenses Appropriation request, which includes $304,000 for FDsys annual operating costs.

Third, AALL has been very supportive of efforts to establish formal partnerships to increase public access to government information. GPO and the Library of Congress are currently collaborating on the digitization of key historic documents including public and private laws, and historical issues of the *Congressional Record* and the *Statutes at Large*, to make them more broadly available to Congress and the public. GPO and LC are also working together to pursue a project to provide enhanced public online access to the *Constitution of the United States: Analysis and Interpretation* (CONAN). In addition, GPO is working with the Federal Judiciary on a pilot program providing free public access to court opinions through FDsys. AALL strongly supports this pilot.

Thank you for your consideration of AALL's views regarding the Library of Congress and Government Printing Office funding requests. Please contact Julie M. Strandlie, AALL's Director of Government Relations, if AALL and its members can provide additional information or assistance to the Subcommittee. Julie can be reached at jstrandlie@aall.org or (202) 942-4237.

Sincerely,

Joyce Manna Janto

Joyce Manna Janto
President

cc: Members, Subcommittee on Legislative Branch Appropriations

**Joyce Manna Janto
Biography**

Joyce Manna Janto became the 93rd President of the America Association of Law Libraries (AALL) on July 13, 2010. Prior to becoming President, she served as AALL Vice-President from 2009-20010, and a three-year term as the AALL Treasurer, from 2004-2007.

Ms. Janto was appointed Deputy Director of the University of Richmond William Taylor Muse Law Library in Richmond, Virginia in July, 1991. Prior to this, she served in a number of positions (Acquisitions Librarian, Associate Director for Collection Development) at Richmond from 1982-1991.

She holds a BS from Clarion State University of Pennsylvania, a JD from the University of Mississippi, and an MLIS from Louisiana State University.

House Appropriations Committee
Subcommittee on Legislative Branch Appropriations

Witness Disclosure Form

Clause 2(g) of rule XI of the Rules of the House of Representatives requires non-governmental witnesses to disclose to the Committee the following information. A non-governmental witness is any witness appearing on behalf of himself/herself or on behalf of an organization other than a federal agency, or a state, local or tribal government.

Your Name, Business Address, and Telephone Number:

Joyce Manna Janto
University of Richmond Law School
28 Westhampton Way
Richmond, VA 23173
(804) 289-8223

1. Are you appearing on behalf of yourself or a non-governmental organization? Please list organization(s) you are representing.

American Association of Law Libraries
25 Massachusetts Avenue, NW
Suite 500
Washington, DC 20001
(202) 942-4237

2. Have you or any organization you are representing received any Federal grants or contracts (including any subgrants or subcontracts) since October 1, 2008?

Yes **NO**

3. If your response to question #2 is "Yes", please list the amount and source (by agency and program) of each grant or contract, and indicate whether the recipient of such grant or contract was you or the organization(s) you are representing.

Signature: Joyce Manna Janto

Date: 5/13/2011

THURSDAY, MAY 12, 2011.

U.S. HOUSE OF REPRESENTATIVES

WITNESSES

DANIEL J. STRODEL, CHIEF ADMINISTRATIVE OFFICER, OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER

KAREN L. HAAS, CLERK OF THE HOUSE, OFFICE OF THE CLERK

WILSON "BILL" LIVINGOOD, SERGEANT AT ARMS, OFFICE OF THE SERGEANT AT ARMS

MR. CRENSHAW'S OPENING STATEMENT—FISCAL YEAR 2012 BUDGET

Mr. CRENSHAW. Welcome, everyone. The committee will come to order.

Today, we are going to receive testimony from Officers of the House of Representatives: the Honorable Dan Strodel, Chief Administrative Officer; the Honorable Karen Haas, the Clerk of the House; the Honorable Wilson "Bill" Livingood, the Sergeant at Arms.

We are pleased to welcome you here today. And we thank each of you and all your employees for what you do to serve the House.

HOUSE OF REPRESENTATIVES

The fiscal year 2012 budget request that we are going to consider is $1.3 billion and represents about a $22.3 million increase, or 1.7 percent, above the current year.

Many of you are aware the Appropriations subcommittee chairmen were given tentative 302(b) allocations yesterday for fiscal year 2012. The number, excluding the Senate, for the Legislative Branch Subcommittee is going to necessitate a reduction of about $227 million beyond the cuts that were already taken last year.

6.4 PERCENT DECREASE FROM CURRENT FUNDING LEVELS

This is going to mean further reductions across the House and the Legislative Branch agencies. Having to cut roughly 6.4 percent from the current levels, I can't imagine holding any of these agencies harmless.

When you look at the distribution of the Legislative Branch funding, excluding the Senate, the House appropriation represents about 36 percent of this bill. So Members, committees, and leadership started tightening their belts in January, and we are going to have to do it again this year. And, we are probably going to have to do it again next year.

As chairman of this subcommittee, my philosophy is to thoroughly review each and every line item of the budgets that come before our subcommittee and determine what we can afford and what we can't afford with our limited resources. That is what

Americans are doing across the country when they are faced with these tough economic times, and they expect Congress to do the same thing.

So we look forward to hearing how each of you are going to approach bringing costs down while still delivering the services that are so required. So, again, thank you for being here.

I turn to Mr. Honda for any remarks he might have.

MR. HONDA OPENING STATEMENT—FISCAL YEAR 2012 BUDGET

Mr. HONDA. Thank you, Mr. Chairman.

And I also welcome the Officers of the House, Mr. Dan Strodel, Chief Administrative Officer; Mr. Bill Livingood—in Spanish, that would be Bill "Living la vida loca"; I kind of like that—our Sergeant at Arms; and Ms. Karen Haas, the Clerk of the House.

We also have several other heads of offices with us today that submitted testimony for the record.

[The prepared statements of the General Counsel, Legislative Counsel, Law Revision Counsel, and the Inspector General follows:]

Statement of Kerry W. Kircher, 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 2012 Budget Request for OGC

Chairman Rogers and Members of the Subcommittee. Thank you for the opportunity to present and explain the fiscal year 2012 ("FY'12") budget request of the Office of the General Counsel ("OGC"). For FY'12, the OGC requests $1,415,000, which represents no increase over the FY'11 Continuing Resolution.

Functions of the Office

Pursuant to Rule II.8 of the Rules of the House (112th Cong.) and 2 U.S.C. § 130f, 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 all the types of advice and representation OGC provides, it addresses the following matters with some frequency:

- **Judicial Proceedings**: 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 significant implications for the House and its Members.

- **Committee Subpoenas**: 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**: 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**: 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**: 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 Matters**: OGC advises House offices and vendors of applicable tax exemptions for official purchases.

- **Constituent Information**: OGC provides advice and assistance to Members and their staffs regarding the maintenance of the confidentiality of constituent communications and information.

- **Contract Disputes**: 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, including Constitutional questions.

- **Freedom of Information and Privacy Acts**: the OGC provides advice on the applicability of FOIA and the Privacy Act to Congress and to requests to Executive Branch agencies for Congressional documents in the possession of such agencies.

Composition of the Office

At present, OGC is comprised – in addition to the General Counsel – of five attorneys, one Office Administrator, and three full-time law clerks. Based on the proposed funding level, the Office expects to be able to provide the same level of effective service.

* * *

I would be happy to respond to any questions the Subcommittee might have. Thank you for your consideration.

Doc #: 21310

Statement of Sandra Strokoff, Legislative Counsel
Office of the Legislative Counsel
U.S. House of Representatives

Before the House Subcommittee on Legislative Branch Appropriations
Regarding Fiscal Year 2012 Appropriations

Mr. Chairman and distinguished Members of the subcommittee, thank you for the opportunity to present to you the fiscal year 2012 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 of the House. This is the second time I have provided testimony to this subcommittee since becoming Legislative Counsel in July of 2009. 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 2012, I am requesting $8,814,000 for salaries and expenses of the Office of the Legislative Counsel. This is the same amount as the fiscal year 2010 enacted budget (P.L. 111-68). This amount includes $7,971,000 for mandatory items; $0 for price level changes; $1,094,000 for program current services; and a reduction of $251,000 in program level changes from fiscal year 2011.

Our request incorporates a net personnel funding increase of $251,000. This is attributable to $228,000 for meritorious increases for junior and mid-level employees; $19,000 for temporary positions (summer law associates); and $4,000 for overtime pay. The latter two items have been included in our previous budgets.

Our request incorporates an offsetting net nonpersonnel funding decrease of $251,000. This is attributable to a decrease of $247,000 in Committee Assistance programs; a decrease of $7,000 for Technical Support; and an increase of $3,000 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 2009, 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.

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 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 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. Beginning with the current Congress, we are undertaking to maintain electronic compilations of virtually all Public Laws for use in the production of Ramseyers and for electronic distribution to meet the needs of the House.

While our staffing is inadequate to enable us to provide assistance to the committees in the preparation of these valuable compilation documents for printing by the Government Printing Office on a continuing basis, we do recognize how vital they are to the committees of jurisdiction, the Members, and to the entire legislative process. Therefore, we have begun to make compilations of major laws that we prepare in our office available to the entire House on our Office's 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 does not include the United States Code provisions that are available from the Law Revision Counsel or from copyrighted, outside, nongovernmental sources.)

Additionally, in 2010, attorneys in our office prepared a compilation of the health care legislation that was enacted last year, perhaps unprecedented in its complexity because of Senate rules and the passage of two bills in tandem that had to be read together. This compilation, published jointly by several committees, has become a primary resource in the Nation for the health care law.

Because of changes in the House Rules requiring the submission of constitutional authority statements accompanying all bills being introduced, the office developed forms for this purpose, accessible on the office's Web site, along with additional information to assist Members and staff in completing the forms. Attorneys in the office have also provided guidance, upon request, to Members and staff regarding appropriate clauses of the Constitution for particular types of legislation. In addition, we have recently been working closely with the both the leadership and the Rules Committee in reviewing the implementation of "protocols" relating to the consideration of legislation on the House floor.

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 not an insignificant part of our work, but since we consider it purely a clerical function, we are exploring ways to address these requests. Clerical or paralegal staff may format the requests with little or no attorney supervision. We have also begun to develop forms (thus far for amendments), that are available on our office Web site, to enable staff to compose drafts that attorneys in our office can, upon request, review. These forms are enormously helpful in enabling our office to handle hundreds of requests for amendments to a bill in a short timeframe, such as before floor consideration of the bill.

Given the current size of our staff (47 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, it has always been our policy not to prepare letters or memoranda explaining, defending, promoting, or justifying any particular legislative proposal.

Workload and the Nature of Our Work

We completed 15,958 final drafts in calendar year 2010, as compared to 27,129 in 2009 and 14,436 in 2008. Of that 2010 total, 9,071 final drafts were bills, 5,279 were amendments, and 1,608 were resolutions. As of March 31, 2011, the number of final drafts we have completed so far in 2011 is 6,334, of which 3,981 are bills, 1,904 are amendments, and 449 are resolutions. For calendar year 2010, the average number of drafts per Member was 37; however, the office generated 156 drafts for a single Member, and generated 50 or more drafts for each of 34 different Members. (These statistics on completed drafts do not cover the number of reported bills for which our office provided Ramseyers or the number of compilations of existing law we prepared.)

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. In addition, for each final draft, there may have been multiple earlier versions, each involving a significant investment of time.

Bills and amendments continue to be lengthy and complex. The annual national defense authorization bill, for example, covers many different areas of the law and so requires the dedication of significant office resources from a number of different attorneys as the bill moves from introduction through final conference agreement between the two Houses of Congress. (The authorization bill for fiscal year 2011 was 973 pages.) As bills move through committee and the floor, the office may prepare hundreds of amendments for a single bill, often in a very short timeframe. H.R. 1 (making appropriations for the Government for fiscal year 2011), considered earlier this year under an open rule, was such a case. Indeed, with more open rules in the current Congress, requests for floor amendments are expected to increase substantially.

Another recent development that has substantially increased the office's workload has been the involvement of the office in assisting the Appropriations Committee in the drafting of appropriations bills, which previously had been done entirely by that Committee. The office has created a team of attorneys to assist in this task, although most attorneys in the office become involved with provisions in their respective areas of expertise. Indeed, whereas in the past appropriations bills were on a fairly predictable schedule during a few months each year, we now find that, with fiscal year 2011 appropriations unresolved and with the fiscal year 2012 appropriations cycle upon us, we are now devoting significant resources on a daily basis to appropriations matters.

We also anticipate continuing to dedicate significant resources to budgetary issues generally. Requests relating to the budgets of Government programs across the spectrum will involve many attorneys in our office; this will certainly be the case with any budget reconciliation bill that may be necessary later in the year.

The pace of the legislative process continues to be rapid. In particular, we face deadline situations in the context of Rules Committee and floor schedules—preparing amendments for Members for submission to the Committee for consideration or to comply with a preprinting requirement for consideration on the House floor. These deadlines, at times, make it impossible for our attorneys to adequately review the legislation or make a serious determination as to its legal effectiveness. Because of the volume of these requests, we may be able only to format amendments and include them in our computer database for GPO retrieval.

In other contexts we receive requests for "formatting" or rush jobs. We respond to these requests 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, formatting and rush jobs may often be handled 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 turnaround, 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 completely clear, and then start over from there.

Our attorneys specialize, and when a topic is timely and of interest to many Members, the one, 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 67. We currently have a staff of 65 (47 attorneys, 3 paralegals who maintain our compilations of laws and prepare all the Ramseyers for the committees, 1 additional paralegal who performs drafting functions, 3 information technology personnel, and 11 clerical support staff). We plan to hire 2 new attorneys at the end of fiscal year 2011. As is explained in the following paragraphs, our need to continue hiring new attorneys is an urgent one.

Recruitment, Training, and Retention of Attorneys

Recruiting well-qualified attorneys to work in our office has been somewhat 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 salaries and those of Government lawyers, and housing costs in the Washington metropolitan area 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 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 complexity of legislation requires years of training new attorneys to become legislative drafters of the high quality to which we always aspire. We have 19 senior attorneys in the office, that is, those who have been with the office for more than 20 years; of these, 9 have been with the office for more than 30 years, and 2 for more than 40 years. In order to plan for the anticipated retirement of so many attorneys in the near future, we feel we need to continue to hire new attorneys both to address the accelerated pace and volume of requests the office receives and to have attorneys who are sufficiently trained in the relevant subject areas when a senior attorney retires.

We are concerned about our continued ability to retain new and particularly mid-level attorneys in the current work environment, particularly given the years we invest in training each new attorney. The ability to provide merit raises for the extraordinary work performed by the attorneys in our office continues to be extremely important in this regard, and is reflected in our budget request. Another is having sufficient personnel to allow attorneys to work in teams in increasingly complex subject areas. We have found that this approach improves morale and work product, as we have found individuals who must work "solo" in an area that becomes "hot" can (understandably) become overwhelmed by the workload. This is another reason for the need to continue to hire new attorneys.

We are limited in the workspace we have for our attorneys and other staff. In order to accommodate newly hired attorneys, we must find additional space where they can work, while preserving the conference space that is so invaluable for meetings with staff, particularly on major bills, and particularly in the final stages of the legislative process. Our experience has been that face-to-face meetings, with all interested parties in the room, are invaluable in honing the policies on which all drafting is based. In this past year, we have been able to acquire and adapt additional space, and are planning on reconfiguring existing space this year to accommodate our space needs in the near-term. We appreciate the assistance which the leadership and the Architect's office have provided us. Our conference spaces have recently been enhanced through the installation of wall-mounted screens that permit revisions of drafts in a group setting; this feature has been extensively and successfully used in the drafting of legislation.

Managing the Uneven Workload

Our workload fluctuates greatly during each session of Congress. Peak periods are always difficult to manage. We also continue to see many omnibus bills, including requests from individual Members. The complexity of Federal law continues to increase. Our attorneys are always 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.

In order to address the massive workload presented by certain bills, our office has been structured around teams of attorneys. For example, for the health care legislation, in addition to the core of the health drafting team of 8 attorneys with expertise working in the area, another 18 or so attorneys volunteered to help with drafting requests and were directly involved in support of the House's effort for both those who supported and opposed the legislation. This auxiliary team significantly improved turnaround time for Members' amendment requests while permitting those with the most expertise to work with the committees and leadership on both sides of the aisle. Our office engaged in a similar effort on the financial services bill, allowing the preparation of hundreds of amendments over one weekend before a Rules Committee deadline. This team approach is crucial to handling large bills; we continue to develop the teamwork approach for appropriations bills. Ultimately, it is our goal to have a team of attorneys working in each major subject area.

In addition, 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 personnel issues such as absences due to family and medical leave and to help manage the peak times of a fluctuating congressional workload during each session. We currently have 6 retired attorneys and our retired office administrator with whom we have contracts to participate on an as-needed part-time basis.

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) Customized document management software to inventory and track the progress of requests for drafting assistance (iManage).

(2) Customized software (XMetal) for the composition and modification of bills, amendments, and resolutions in the now-standard Extensible Markup Language (XML) format.

(3) 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), for use in drafting and preparation of Ramseyers.

(4) Customized software to maintain a current database in XML of frequently amended Federal laws (compilation software).

Keeping our document management software system working and properly integrated with the other software systems used in the office requires the attention of 1 in-house software specialist and approximately $6,000 in annual maintenance and support of our iManage software.

Our in-house software specialist (sometimes in consultation with House Information Resources) has been able to address most difficulties that continue to arise in the XMetal text composition software designed for us by the Clerk of the House and now in use by many committees. In fiscal years 2010 and 2011 we have contracted with a programmer to develop and refine an additional program to enhance the performance of the XMetal software (conversion of text in another format into the XMetal format) and have included in our budget for fiscal year 2012 funds to continue this contract for further development and refinement of this and similar programs.

The third and fourth items on our existing software list (Ramseyer software and compilation maintenance) require ongoing support, training, and occasional minor improvements. These expenses have been included in our committee assistance request.

Additional Systems To Provide Committee Assistance

There are two additional kinds of software that would improve our ability to provide services to the Members and committees. One project, the "Drafter's Toolbox" (renamed from "Reverse Ramseyer" and the "Existing Law Amendments"), has been in development and testing since October 2010, and will enhance the speed and accuracy of drafting amendments to existing law. By using our existing database of compilations of laws, the program can draft amendments to existing law according to the specifications of the drafter. A particularly exciting "tool" is the "mini-Ramseyer"; using this feature, the drafter can direct the program to show the impact of a particular amendment to existing law. This is valuable to the drafter to ensure the accuracy of the amendatory instructions, and valuable to Members and staff who want to see the impact of proposed amendments to existing law, without having to wait for a Ramseyer in a reported bill. The Drafter's Toolbox will not only speed up the process of drafting changes to existing law, it will enhance the accuracy and transparency of the entire legislative process. In addition, it would allow Members and their staff to see, from the time the legislation is first proposed, the changes to existing law made by the legislation. We anticipate needing $225,000 in fiscal year 2012 for this project.

Another kind of software we would like to make available, first to our attorneys and then to committees for possible use in committee markups, is one that would show 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 on Information Technology Assessment (October 25, 2005)), 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 ultimately on the House floor). We have begun laying the groundwork for accomplishing this task, which is more difficult because the program would have to interface with page and line numbers of a PDF document and not our original XML drafts, although much more work remains to be done. We anticipate needing $250,000 in fiscal year 2012 for the continued development of this program.

Although a flat-line budget for fiscal year 2012 will likely preclude the availability of all the funds needed for the projects described above, we expect to be able to obligate some surplus funds from fiscal year 2011 for these projects, and then perhaps work on the projects on a more incremental basis, if funding for these projects is limited in fiscal year 2012.

We have recently enabled the use of videoconferencing technology, and are exploring the greater use of teleconferencing, in order to provide for greater efficiencies in working on bills in conference, both with the Senate and within our office, including during inclement weather.

Educational Programs

The office was fortunate to be able (for the first time) to host, for a period of 6 months (in the fiscal year 2010), a legislative drafter for the British Parliament, Mr. Diggory Bailey, who brought with him a wealth of knowledge of the British parliamentary system while learning and drafting legislation in our office. He also spent time with the Senate Office of the Legislative Counsel, the House Parliamentarian's Office, and the Office of the Law Revision Counsel, learning their respective roles in the legislative process, and he visited State legislatures to observe their proceedings. The experience was as educational for our office as we expect it was for him.

We expect to host a legislative drafter from the Republic of Korea for a 3-month period beginning in June 2011.

This program has required no additional expenditure of funds from our office's budget, other than indirect support costs such as technical support and office supplies.

The First Parliamentary Counsel of the British Parliament, Mr. Stephen Laws, the head of the office in which Diggory works as a drafter, has extended an invitation to host an attorney from our office to serve in a role similar to what Mr. Bailey served with us.

We feel that a program that allows an office such as ours to share knowledge and experience first-hand with drafters in other venues, whether here in the United States or abroad, is invaluable. It will lead to better understanding of legal systems elsewhere and hopefully better legislation everywhere.

We request, therefore, that funds made available to the Office of the Legislative Counsel be available for educational purposes, including international exchanges such as those described under this heading.

Conclusion

I would like to express my appreciation for the support this subcommittee 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.

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

Mister Chairman, Mister Honda, and Members of the Subcommittee:

Thank you for the opportunity to appear before you to present the budget request of the Office of the Law Revision Counsel for fiscal year 2012. Our Office appreciates the continuing support given to us by the Subcommittee and Congress.

Budget Request

For fiscal year 2012, I am requesting $3,258,000 for the Office to sustain operations with respect to existing personnel and ongoing technology needs. This amount represents no increase over funding levels in fiscal years 2010 and 2011, but it will allow for continuation of current personnel, routine maintenance and replacement of equipment, and long-term improvement programs. It will provide funding to continue service contracts with former employees and outside contractors for editorial support and technical support of production software programs. These contracts are important for improving the timeliness of the United States Code, enhancing the Code website, and developing a system to produce and publish the Code in XML.

Functions of the Office

The principal functions of the Office of the Law Revision Counsel are specified by chapter 9A of title 2 of the United States Code. They are: (1) to maintain the official version of the Code, and (2) to prepare legislation 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. There are two primary tasks in maintaining the Code:

(1) Classifying New Laws. Every law enacted by Congress is read in its entirety by a number of attorneys 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, and the classification of a law is normally completed by the time it is signed by the President. While thoroughness and accuracy are the prime concerns, speed is also important so that classifications can be included in printed slip laws and made available to the public as quickly as possible.

(2) Updating the Text. The second task in maintaining the Code involves updating the actual text of the Code, which includes not only integrating new statutory provisions into existing text, but also preparing extensive editorial material enabling users to find, track, and understand the updates. This editorial material includes statutory citations and amendment notes to help track the legislative history, notes to explain such things as effective dates, transfers of functions, and a variety of other matters, tables to indicate the status of statutory provisions and their location in the Code, and an index.

The Office is required to publish, in printed form, a complete new version of the Code once every six years and annual cumulative supplements in intervening years. The Office also publishes the Code on its public website and is currently in the final stages of completing an extensive upgrade of that site, with greatly improved search capability and user interface.

The most recent main edition of the Code is approximately 48,000 pages and the most recent annual supplement is almost 6,000 pages. The timely update of a publication the size and complexity of the Code is a challenging task, the completion of which is heavily dependent on the training and expertise of the staff of the Office. The Office has a staff of 21 dedicated professionals, 15 of whom are attorneys. It takes many years of training and experience for an employee to become a fully productive Code editor or codification attorney, so the Office places a high priority on retaining existing staff and also seeks to retain the services of retired employees by contracting with them for part-time work. As a result of these priorities and certain editorial policy changes, the Office has been able to improve the timeliness of the Code in four of the last five years while maintaining the very high level of accuracy that is expected of the official Code.

To further improve the timeliness of Code updates, the Office began a pilot project in 2010, called the USC*prelim,* to provide the public with faster access to an updated, although preliminary, version of certain titles of the Code. Whereas the annual publication of an edition or supplement of the official Code must wait until the end of a session of Congress, partially updated titles of the Code are made available sooner on the USC*prelim* section of the Code website as new laws are enacted during a session. The USC*prelim* project began with Title 26, Internal Revenue Code, and has since been expanded to include as many as 31 other titles. Although the titles on the USC*prelim* will vary at any given time depending on the size and effect of newly enacted legislation, the Office has a goal of making as many titles as possible available on the USC*prelim*. The success in achieving this goal will depend on the amount and type of legislation enacted and the availability of staff resources.

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 26 positive law titles and 24 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. In contrast, a non-positive law title is the result of editorial decisions made by the Code editors (the Office of the Law Revision Counsel or its predecessors). Positive law titles are legal evidence of the law they contain, while non-positive law titles are merely prima facie evidence of the law.

When the Code was first adopted in 1926, all of the general and permanent laws of the United States were organized into 50 titles that fit into a single volume. Those 50 titles reflected the focus and scope of the Federal statute law in effect 85 years ago. Each title was small and related to a well-defined subject. As new laws have been enacted, little or no attention has been paid to the statutes already in effect. This has led to chapters or sections covering similar subjects being scattered around in different parts of the Code or included as statutory notes in positive law titles, where only Congress can add sections. In addition, laws covering topics not contemplated in 1926, such as housing, medical research, social security, small business, space exploration, environmental protection, and a host of other areas, have been added to the original 50 titles. As a result, there now are titles in the Code that are huge and include unrelated subjects. All of this makes the law more complicated and less accessible than it should be.

Year after year new laws are added to the Code, while progress on positive law codification proceeds at a glacial pace. It may take a codification attorney a year or more to prepare a codification bill for introduction, but that is just the first step in a long process. After the bill is introduced by the Chairman of the House Committee on the Judiciary, congressional committees, Government agencies, legal experts, and members of the public are invited to review and comment on it. Because of the size and complexity of codification bills, it may take several years to get them to study the bill and provide feedback. During these extended comment periods, the codification attorneys work with the committees, agencies, and others to improve the bill in order to achieve the best possible organization and wording of the new title and ensure that no substantive changes are made by the bill.

Once all issues are resolved, a revised bill is reported by the Committee on the Judiciary and passed by the House under suspension of the rules. The bill goes to the Senate Judiciary Committee and the process continues until the bill is passed by the Senate, typically by unanimous consent. In most cases, a codification bill must be updated several times for new legislation and reintroduced in several Congresses before finally being enacted. The codification attorneys are involved throughout the process, working with the staffs of House and Senate committees, Government agencies, and others to perfect and push the bill to enactment.

I am happy to report that after years of work and delays, two of our codification bills were passed at the end of the 111th Congress. One of them became Public Law 111-314, enacting a new Title 51, National and Commercial Space Programs. This is the first time since the Code was adopted in 1926 that a new title has been enacted beyond the original 50 titles, and it signals a recognition that new titles are needed to accommodate the many new areas of law that have been enacted over the last 85 years. The other bill became Public Law 111-350, enacting Title 41, Public Contracts, as a positive law title. The Title 41 codification project began in 2003, and a bill to enact the title was first introduced in the 108th Congress. Although the process was long, the benefits of now having the space and contracting laws well-organized and accessible in the two new positive law titles are many and will be appreciated for years to come.

Looking ahead, the Office is working on 11 codification projects. Two bills have already been submitted to the Chairman of the Committee on the Judiciary for introduction. One will enact laws relating to trademarks and certain other intellectual property as subtitles III and IV of Title 35 and redesignate that title as Patents, Trademarks, and Other Intellectual Property. The second will enact Title 54, National Park System, as a new positive law title.

Other projects include the following:

Title 10, Subtitle F - Medical and Dental Care.

Title 24 - Public Health.

Title 36 - Patriotic and National Observances, Ceremonies, and Organizations (addition of a chapter).

Title 41- follow-on bill.

Title 51- follow-on bill.

Title 52 - Voting and Elections.

Title 53 - Small Business.

Title 55 - Environment.

Title 56 - Wildlife.

As much as the Office is trying to get titles of the Code enacted into positive law, the efforts are inadequate to the task. Each year the amount of law in the non-positive law titles grows faster than what is being restated into positive law titles. As a result, many areas of the Code are getting more complicated and unwieldy with each passing year. More resources devoted to positive law codification would help, but this is not the year to pursue them. However, what would help at the present time is a wider appreciation of the need for positive law codification and its elevation as a priority by all three branches of the Federal Government.

XML Data Conversion

The budget request also includes an amount to continue the Office's long-term effort to replace GPO photocomposition codes with XML in United States Code and codification work. 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 completed during fiscal year 2010. The next phases of the project will include the development of procedures and software that will enable the drafting of codification bills and editorial production of the United States Code in XML as its native format.

Website and Technical Equipment

The budget request includes an amount for website enhancement. During fiscal year 2010, the Office began a project to upgrade the search engine for the United States Code database and the user interface of the Office's website at uscode.house.gov. The existing search engine has not been upgraded since the mid-1990s and is now no longer commercially supported. A contractor with expertise in the search technology area has been performing the work, and the initial release of the upgraded website is scheduled to occur during fiscal year 2011. Additional enhancements are envisioned for the website, including support for USC*prelim* and prior versions of the Code.

The budget request also includes funds for the replacement of old servers, workstations, laptops, printers, and copy machines.

Conclusion

Thank you for giving me the opportunity to present the fiscal year 2012 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 Theresa M. Grafenstine, Inspector General
Office of Inspector General
U.S. House of Representatives
Washington, DC
May 12, 2011

Before the House Subcommittee on Legislative Branch Appropriations

Chairman Crenshaw, Ranking Member Honda, and Members of the Subcommittee, I am both pleased and honored to appear before you today in my capacity as Inspector General of the U.S. House of Representatives (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 17 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, to reduce inefficiencies, and to minimize costs. In addition to providing traditional audit services, the OIG also provides proactive analysis and guidance in the improvement of House operations through its management advisory services. These advisory services have included work in the areas of emerging technology, systems development, business process improvement, and risk management.

The OIG continues to serve a vital role in helping to ensure integrity and transparency as well as identifying opportunities for improvement in 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. Currently, the OIG has 23 ongoing audits, advisories, and investigations in various stages of completion. The OIG staff consists of twenty-four experienced and dedicated professionals, nearly all of which possess advanced degrees, one or more professional certifications, and extensive public or private sector work experience.

In 2010, the OIG made some strategic internal changes to more effectively and efficiently manage the internal operations of the OIG. In the past year our Support Services group has spearheaded the roll-out of SharePoint, which provides both OIG and Committee on House Administration staff with greater access to vital information about the operations of the OIG. The OIG is continually seeking new methods to streamline internal processes and operations and has completely revamped its performance management process to better evaluate staff performance and assist in their long-term development.

Highlights During the Second Session of the 111th Congress

During the second session of the 111th Congress, the OIG issued 19 reports and other products that spanned the diverse range of services it offers including financial, performance, and information systems auditing services; management advisory services; and investigative services. The OIG's objective, value-added reviews have helped managers to significantly improve the House financial management, administrative processes, workplace safety and security, the security of House data, and the information technology infrastructure. Select examples include the following:

Financial Auditing Services. For the twelfth consecutive year, the external auditors expressed an unqualified opinion on the House's FY 2009 financial statements. An unqualified opinion means that the financial statements present fairly, in all material respects, the financial position and the results of the entity's operations in conformity with U.S. generally accepted accounting principles (GAAP). Unfortunately, for FY 2009, the external auditors concluded that the House did not have effective internal controls over financial reporting and, as such, issued an adverse opinion in relation to internal controls. Specifically, the auditors identified four significant deficiencies, of which two are considered material weaknesses. The two material weaknesses relate to the lack of a management control program and ineffective controls over information security. The two remaining significant deficiencies relate to weaknesses in the controls over financial reporting and payroll processes. The auditors did not identify any instances of non-compliance with applicable laws and regulations. The Office of the Chief Administrative Officer (CAO) concurred with the external auditor's report and has taken significant corrective actions, including contracting with a professional services firm to assist in addressing the internal control deficiencies. The CAO's planned completion date for corrective actions is September 30, 2011.

In another financial audit, the OIG reviewed transactions that were posted in financial records that used prior year funds. The prominent number of these types of transactions indicated a greater risk of fraud, potential for duplicate payments, and data errors. While this review did not identify evidence that fraudulent payments were made to House employees, we recommended improvements in internal controls over the use of prior year funds payments to increase the accuracy of transaction data, minimize the risk of duplicate payments, and help ensure that financial transactions are properly recorded in the period the expense occurred.

Performance Auditing Services. As part of its performance auditing work, the OIG reviewed the effectiveness of the Clerk's policies and procedures to protect personally identifiable information (PII). Personally identifiable information is information that can be used to uniquely identify, contact, or locate a single person or can be used with other sources to uniquely identify a single individual. This type of information could be subject to misuse or could create security risks to the House and its staff; therefore, it should be adequately protected. We determined that enhancements to the Clerk's organization-wide policies and procedures were needed to reduce the risk of access, misuse, and/or abuse of PII. We also determined that access controls over PII in the Office of the Clerk are generally adequate; however, we did identify instances where employees and contractors had unnecessary access to PII in data files or shared directories. During the audit, Clerk personnel corrected this issue by deleting the unnecessary permissions to the data files and shared directories identified.

Information Systems Auditing Services. In the information systems auditing area, the OIG conducted a review of House wireless networks because insecure wireless networks could provide a means for individuals to obtain unauthorized access to the House network. During this audit, the OIG was able to obtain unauthorized, anonymous access to three wireless access points and notified the CAO. In addition, we identified that improvements were needed in the administration and monitoring of wireless networks. These improvements included: updating House policies and publications to reflect the current House operating environment; communicating House wireless policies and procedures to House offices; maintaining a current list of known wireless access points; improving monitoring efforts by creating and maintaining a history of wireless scans and reporting the results of those scans to appropriate stakeholders; and providing security personnel with the adequate tools (hardware and software) for detecting wireless access points.

In another information systems audit, the OIG reviewed the CAO's Disaster Recovery Plans for adequacy and effectiveness and to determine if the plans would support the prompt recovery of crucial House functions and IT facilities in the event of a major failure or disaster. As a result of our review, we recommended that the CAO implement a comprehensive IT contingency planning program, including conducting a business impact analysis, developing contingency plans and recovery strategies for IT systems that support House essential functions. The CAO should also develop a testing program to ensure IT contingency and disaster recovery are effective and systems can be brought online within the predetermined time frame. Finally, we recommended the CAO implement procedures to ensure IT contingency plans are adequately communicated to designated recovery personnel and periodically reviewed.

The OIG also evaluated the effectiveness of the CAO's security certification process and compliance program for general support systems, major applications, and network-aware devices. We determined significant improvements were needed in the certification and compliance process. Specifically, we recommended that the CAO Information System Security Office certify all general support systems and major applications on the House network in accordance with House policy. In addition, we recommended the CAO Information System Security Office ensure all network-aware devices are configured to meet the House minimum security requirements and escalate deficiencies not corrected to the appropriate House office point of contact, and improve the quarterly enterprise-wide security assessments. Finally, they should maintain a remediation tracking schedule of high and medium risk vulnerabilities and a security manager should be designated to review these vulnerabilities to ensure they are mitigated in accordance with House policy.

Management Advisory Services. In our advisory services area, the OIG continued to assist the House in the implementation of PeopleSoft, which resulted in the introduction of a new enterprise-wide financial application serving as the single source of financial information for the House. The OIG established a quarterly follow-up schedule to review the project governance processes as the project was being executed. During these follow-up reviews, we determined that CAO management had formally adopted policies and standards for executing the project that set clear expectations for the project team and formalized the governance processes.

Additionally, the OIG verified that the project team was collaboratively discussing risks, triggers, and mitigation strategies.

The OIG conducted another PeopleSoft-related advisory review, at the request of the CAO, to independently assess the PeopleSoft implementation team's testing approach prior to User Acceptance Testing (UAT). The OIG identified several positive aspects of the team's testing approach and provided suggestions that the CAO incorporated in the testing plans to provide further assurance that the system was functioning as expected.

At the request of the Committee on House Administration, the OIG was asked to conduct a special review of the Financial Counseling and Payroll and Benefits areas in the CAO. The review examined the state of the offices following several significant organizational and management changes that had occurred within the CAO. Our review highlighted a number of issues and concerns with the operations of these areas and included recommendations for improvements in performance and process efficiency and effectiveness; and customer satisfaction with the services provided. It also included recommendations focused on staff morale, the impact of reorganization efforts; how the CAO was managing organizational change; and data regarding staff qualifications, staffing levels, and recommendations for staff development.

The OIG also conducted a collaborative advisory services review with the Sergeant at Arms (SAA) on the issuance of House badges from the ID Services office. The OIG and ID Services staff worked together to understand the current processing of ID badges and to identify opportunities for potential improvements. Based upon a process risk analysis and benchmarking four government entities, 15 potential opportunities were highlighted and prioritized. In addition, as the OIG examined the badging process, it became apparent that the cooperative efforts of organizations outside the SAA, such as the Senate Sergeant at Arms and the U.S. Capitol Police could lead to additional security improvements. Finally, we developed a staffing model and encouraged the SAA to continue to seek ways to improve efficiency and effectiveness through the use of this model to forecast staffing needs according to anticipated activity within the ID Services Office.

Investigative Services. Generally through the result of audit outcomes, advisory activity, or anonymous tips, the OIG, in coordination with the Committee on House Administration, executes investigations into sensitive allegations of fraud, waste, and abuse in the administrative operations of the House.

Focus for the 112th Congress

A number of important challenges face the House during the 112th Congress. The OIG, in collaboration with the Committee on House Administration, continues to do its part to contribute to a more effective and efficient House support structure by identifying and helping mitigate significant risks to the House and highlighting opportunities for improving the efficiency of House operations. Some of these include: (1) operating data centers securely, (2) ensuring sensitive data is protected from disclosure over information systems and mobile computing devices; (3) reviewing management of high-dollar, high-profile project contracts; (4) streamlining administrative support functions and optimizing efficiencies by leveraging best practices in payroll processing, records storage, and on- and off-boarding practices; and (5) assisting in the development of a roadmap to expand functionality of the House financial management system.

Data Center Security. The Ford Data Center supports House customers and hosts House enterprise computing services. Our audit of the Ford Data Center will help assure that environmental, infrastructure, and physical security services are adequate to safeguard House assets. This audit will determine whether only authorized employees have access, determine if employees are aware of physical security policies and procedures, verify restricted access to tangible assets, and determine if the environmental controls are adequate to protect the House data from fire and water damage, as well as intruders.

Preventing Data Disclosure. House policy prohibits the use, installation, or downloading of software that allows an individual workstation to act as a server permitting other users to connect to that workstation and share files. File sharing software, also known as Peer-to-Peer (P2P), often refers to any software or system allowing individual users of the Internet to connect to each other and trade files. Other examples of P2P software uses include streaming media, Voice over IP communications and instant messaging. P2P software is distributed over the Internet; therefore, there are associated security risks that, if not adequately mitigated, could ultimately place House data at risk of unauthorized disclosure, disrupt Member or House operations, or cause embarrassment to the House. The P2P audit will include an overview of the benefits and risks of using P2P software and potential mitigations strategies for reducing that risk.

Contract Management. The OIG is planning to conduct several contract-related projects and reviews during the 112th Congress. One audit will look at the policies and procedures in place at House offices for ensuring contractors have been through a Criminal Records History Check prior to being allowed to work or be issued a House ID badge. The objective of the audit will be to identify the security and screening policy and procedures used by the House when it obtains contractor services, and to assess whether such policies and procedures are effective and consistently applied in order to assure that contractors in the House buildings do not pose a safety and security risk to the House.

Streamlining Administrative Support Functions. During the 112th Congress the OIG plans to conduct a number of advisory services projects aimed at providing advice to help the House optimize and gain efficiencies in administrative processes by leveraging best practices of other House offices, other government agencies, and private sector companies.

The OIG will be examining the House Payroll Processing and Benefits areas and benchmark them against other government service providers to identify best practices and opportunities to improve the effectiveness of payroll and benefits administration for the House. The review objectives will be to understand and document the House payroll processing and unique House requirements, benchmark the payroll practices of third party administrators, and then identify possible opportunities to improve the effectiveness of the House Payroll and Benefits administration.

The House does not have a standard, House-wide methodology to ensure staff members are "on-boarded" or "off-boarded" consistently. Offices have developed their own individualized processes that could be missing key items or contain information that may be outdated. This could result in the loss of House property or the inefficient use of space and materials. This management advisory effort will focus on identifying the best practices among and challenges encountered in the on-/off-boarding processes in the offices of the Chief Administrative Officer, Clerk, Sergeant at Arms, and Inspector General.

All House offices store records both electronically and via paper in a variety of mediums and methods (e.g. "systems"). Understanding these systems may help identify better practices that may be shared across the House to improve the availability, reliability, integrity and confidentiality of the information being stored. Current practices may leave the House vulnerable to fraud and waste. Information may be retained for longer that it is useful, and useful information may be stored in a manner that makes it impossible to locate or retrieve. The objective of this advisory review will be to determine practices used at the House for record storage, determine industry best practices for storing and maintaining records, and to recommend improvements to House records storage practices that could yield benefits in information availability, reliability, integrity, relevance, and confidentiality.

As a follow-up to the implementation of PeopleSoft, the OIG will work with the CAO to develop a "roadmap" for the House financial systems. This long-term plan should include a description of the desired capabilities and the projected availability dates. CAO management envisions using the roadmap to communicate the long-term plan for the software to a variety of constituencies, including users, developers, and Leadership stakeholders. Adding functionality and changing the House financial systems has inherent risks that, include not incorporating stakeholder feedback, improperly prioritizing the sequencing for adding additional capabilities, and if not properly done, could result in building functionality that is not useful to the intended users. The review will assist the CAO in determining the needs/priorities of stakeholders and develop recommendations for creating, communicating, and maintaining the House financial systems roadmap.

I believe that the OIG's proactive, value-added audit, advisory, and investigative services help shield the House from significant financial losses, damage to the House's reputation, and delays and disruption to House financial and administrative operations.

FY 2012 Budget Request

The OIG's FY 2012 budget request calls for total funding of $5.045 million, a zero dollar increase from FY 2010 and FY 2011 (in Continuing Resolution per P.L. 111-322), and includes $3.421 million in mandatory items associated with the current staff; $1.624 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 and specialized subject matter experts to support the wide-range of management advisories and information security and technology engagements handled by our office.

Chairman Crenshaw, I wish to thank you, Ranking Member Honda, and the Members of the Subcommittee for this opportunity to present the work of the OIG and its FY 2012 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. We are proud to be able to serve the People's House in this way. I would be happy to answer any questions you may have.

CHALLENGES IN FISCAL YEARS 2011 AND 2012

Mr. HONDA. You and your staffs are the backbone of this institution that get here before us and leave well after us to ensure that this institution functions uninterrupted. We all appreciate your service to the Nation, and please pass along our thanks to your staffs that toil away without much recognition. My mom says you can never say "thank you" enough.

With that said, your jobs are getting tougher as resources tighten. I am sure that today we will spend lots of time with you trying to figure out how to do more with less. But, at some point, my colleagues will have to accept the inevitable, that certain services will have to be cut as funding is cut.

The House budget is a people's budget, and nearly 80 percent of the budget supports staff that do everything from helping constituents fight for Social Security benefits and providing technical assistance in bill drafting to ensuring the safety of the House Chamber. And all of you are up for the challenge. You have all held these positions in previous Congresses, and I appreciate the continuity that exists with this team.

The budget request for the House is the most modest we have seen in many years. The House request of $1.3 billion represents a 1.7 percent increase over fiscal year 2011, the recently passed omnibus continuing resolution.

After your remarks, I plan to ask questions of the three officers as well as some of the other offices that are represented here. So today I want to thank all of you, and I look forward to your comments.

Mr. CRENSHAW. Thank you, Mr. Honda.

Before we hear from the witnesses, we reviewed your testimony and all your prepared statements. They will be made a part of the record.

And I understand that everyone has made adjustments based on the recently passed CR. We have a lot of challenges in front of us. Each of you has served now for the first 4 months. We have been through this process once. And I just would appreciate, as you summarize your testimony, tell us what your approach is to bringing these costs associated with your office down, as you summarize those statements.

So we will begin with the Honorable Dan Strodel.

ACTIONS EXECUTED IMPLEMENTING FY2011 CONTINUING RESOLUTION

Mr. STRODEL. Good morning, Mr. Chairman and Ranking Member Honda and Mr. Bishop. And I am pleased to be here before the committee.

I hear the message you have sent already. The actions we have taken, I provided further detail in the testimony; therEfore I will summarize very quickly.

As a result of the Continuing Resolutions (CR) and the final CR, along with the initial reduction of 2.3 percent, we took immediate action to make recommendations to freeze 38 positions within the CAO's organization and reduce contractor support in specific areas. Those areas were the sustainability area and certain IT initiatives that we felt could be deferred until another time.

ZERO-BASED BUDGETING

But it is really, sir, the beginning of a refocus on the critical and core mission of our organization. The CAO's office provides the widest variety of services to the House, but our primary and core functions are finance, information technology, and logistical support.

We are returning to a disciplined budget management approach called zero-based budgeting, which isn't anything new, Mr. Chairman, but it is a time for which it has come here in this organization. Since February, we have been working internally with that management tool, and we have identified over 200 programs, projects, and activities of CAO and are going through the process of determining whether they fall within our core mission. And, if not, can they be done differently. We are absolutely looking at further reductions in services. And, absolutely, what is on the table, sir, are staff reductions.

Our approach will hopefully show where we can make efficiencies, and where we can eliminate duplication. But, with the numbers that appear to be the mark, that is really where we are.

[The prepared statement of Daniel J. Strodel follows:]

CAO **Chief Administrative Officer Budget Request — Fiscal Year 2012**

Testimony
Daniel J. Strodel

Chief Administrative Officer

U.S. House of Representatives

Before the

Subcommittee on Legislative Branch

Committee on Appropriations

May 12, 2011

Summary

Mr. Chairman and Members of the Subcommittee: I am pleased to appear before you to discuss the Fiscal Year 2012 budget request for the Office of the Chief Administrative Officer (CAO).

Let me begin by expressing my gratitude for your continuing support of the CAO's office. We look forward to working with you on this budget request and all other issues.

Since my appointment to the position of CAO in July of last year, I have been working to re-focus the organization on our core mission of providing financial, information technology, logistics, and support services to the House community.

CAO Chief Administrative Officer Budget Request — Fiscal Year 2012

In February 2011, we submitted a FY12 Budget Request of $130,782,000, which was flat with our FY11 Continuing Resolution funding level at that time. Since January we have taken actions to prepare for budget reductions including freezing 38 positions, reducing contract support for sustainability and IT initiatives. Additionally, we are implementing Zero Based Budgeting (ZBB)—a disciplined budget management approach—where we review all of our programs, projects and activities annually starting with a zero base.

The CAO's goal is to provide the best services and support for the House allowing Members to efficiently and effectively represent their constituents. Most of our non-personnel budget is dedicated to campus data network and voice infrastructure support, mail security and delivery, House-wide software application support, furniture and furnishings, information security, and web services. Our staff is dedicated to providing quality service to assist Members and staff.

Transition Activities

The transition from the 111th to the 112th Congress was one of the most challenging transitions ever experienced. CAO staff moved and furnished 230 Member, 22 Committee, and 50 Leadership offices. We provided computers and systems to support new Member orientation and for use during the transition. Our IT staff provided one-on-one technology training, briefed Members-elect and their aides on office setup, and conducted quality assurance checks. We updated all Leadership and Committee websites and launched 102 new websites.

The payroll and benefits demands during the transition were also extraordinary. During the month of January, we processed approximately 35,000 documents and over 4,300 inquiries. During the first week of February alone, we received over 17,000 payroll and benefits documents and more than 3,800 phone calls.

Transition activities require long-term preparation, and our FY12 request includes \$2.9 million to fund purchases with a long lead time, such as furniture, carpet, drapes, and transition-related contractor support that needs to be in place by October 1, 2012. We will request the balance of funding for the 113th Congressional Transition in FY13.

Financial Counseling Survey results

Last year, the subcommittee asked us to conduct a customer satisfaction survey of the Financial Counseling group. We did so, and had a response rate of 74 percent. We continue to review the large volume of constructive feedback and have already made some corrective actions to our processes. We continue outreach with user groups, including regular meetings with critical stakeholders and a monthly newsletter on current issues sent to Financial Points of Contact. We are planning to launch a similar satisfaction survey for our Payroll and Benefits services.

Auditing/Internal Controls

In response to annual Financial Statement audit findings in FY09, we began implementing a risk assessment and monitoring program to ensure effective internal controls, and a management control program to address reported material weaknesses.

Specifically, we have hired a professional auditor to develop and implement an internal controls program and have established a Senior Assessment Team to ensure that senior staff and managers understand and execute effective internal controls.

New Financial System

In October 2010, after years of planning, we successfully replaced a 15-year-old financial system with PeopleSoft, a sophisticated, integrated, enterprise software package. PeopleSoft is now the financial, procurement, and fixed assets system of the House. In conjunction with this effort, we have implemented FinMart as the new reporting tool for all House offices to obtain their monthly financial statements, equipment inventory, and telecommunication reports.

Looking forward, we are implementing a pilot program to give Member, Committee, and Leadership offices access to purchase orders and voucher status --- from input to payment and budget information --- through on-line queries. We will use information from this pilot to make improvements before we expand the program.

During FY11 and into FY12, we will implement additional PeopleSoft capabilities and upgrade to the latest release. The FY12 budget request includes funding for outside resources to assist our staff in Functional and Technical Support, and Server and Database Administration.

Technology Services and Enhancements

In January 2010, joint Leadership requested a security assessment for public-facing websites. In response, we have designed and are implementing a secure Virtual Hosting Platform for all of the House's public websites. This platform provides Member offices with a secure, robust and redundant technology on which to develop or host websites. We completed the first component in January 2011. Eighty freshman office websites and six committee websites were launched on this improved and more secure platform. We continue to migrate existing Member and Committee sites with expected completion by the end of 2011.

We continue to expand our wireless coverage across the House campus. As requested during last year's budget hearing, we established cell phone coverage in areas of the Capitol Visitors Center (CVC) that had previously been dead zones. Wireless access is now available in all 441 Member offices, all House Leadership offices, and in the Longworth, Rayburn, and Ford cafeterias for staff and visitors. We are completing the designs and site surveys to install permanent wireless installations for Committees, increasing the number of access points across the House campus.

The Human Resources Information System (HRIS), also referred to as "Paylinks," continues to evolve. During 2010, the Member Services payroll system was upgraded and merged with the staff payroll system, providing greater stability, security and back-up capability. In FY11, the HRIS team is focusing on a major lifecycle hardware replacement and software upgrades. These enhancements set the stage for implementation of additional functionality in FY12, including Member self-service for online changes to direct deposit, address and W4 withholding information, and review of earnings statements with opt-in capability for paperless.

We continue to reduce energy consumption and Member office costs by migrating more office servers to the House's "cloud," also known as House Hosted Services (HHS). Through the central cloud, offices store data within a secure, maintained infrastructure with round-the-clock support. Approximately 255 Member offices currently utilize the cloud solution, with a number of offices in the pipeline for migration. The current infrastructure will accommodate all Member offices at the current storage allocation of 100 gigabytes, although storage requirements in excess of 100 gigabytes will require additional resources to accommodate. We are reviewing the possibility of expanding this service to Committees, which have larger storage requirements than Member offices.

Information security is a critical component of our IT mission. Currently, 464 House offices are participating in the Secure Configuration Management Program (SCMP) covering 650 servers and more than 11,000 workstations. As a result, in 2010 we identified and corrected over 4.5 million vulnerabilities before they caused any damage. Not surprisingly, hackers and intruders continually target the House's network(s). During 2010, we blocked over 3.3 million intrusion attempts and 43,000 viruses, and deployed almost 900,000 system patches to keep our networks secure.

We continue to provide technology support to House offices; including desktop applications for Windows & Mac systems, mobile device support, e-mail and account administration, vendor oversight, technology consultations and a 24-hour, 365 days per year Technology Call Center help desk. Staff completed 70,000 service requests in 2010, of which 86 percent were completed the day they came in. In the first three months of this Congress, we responded to over 20,000 service requests.

We are constantly investing in the tools needed to provide timely, courteous, and efficient service. Live Chat is an example of a tool that enables technical staff the ability to remotely access any PC or Mac device with an internet connection and easily resolve problems on the first contact. Future investments will further improve customer service and increase self-serve options such as automated password reset transactions, and integrated forms that route service requests to the appropriate personnel.

We continue to invest responsibly in state-of-the-art technologies, services and resources. This includes supporting Apple products like the iPad and iPhone, and soon to be released products such as the BlackBerry Playbook and Android "Honeycomb" operating system. We are developing an emerging technology collaborative website that includes user forums, a "how to" library, a product and accessory showcase, and mobile applications information.

Secure and Digital Mail

Ensuring Member, staff and visitor safety by screening incoming mail remains a major priority. In 2010, six incidents of hoax mail were detected and intercepted prior to reaching the Capitol campus. The current mail contract, a major expenditure, expires this year. We are in the midst of re-competing that contract. Final bids are due this spring and the award is scheduled for July.

The mail contract includes the digital mail program, which has been available on a limited basis since 2001. We are investigating new technologies that would allow us to expand the program without a significant increase in costs.

Ensuring our Business Continuity and Disaster Recovery Capabilities

Our Business Continuity and Disaster Recovery (BCDR) works in coordination with the Sergeant at Arms, the Clerk and legislative branch agencies to strengthen the House's ability to carry on its constitutional duties if disruptive events occur. Over these last ten years, we have built fully operational BCDR programs. We maintain and routinely exercise mobile and fixed-site capabilities to ensure readiness and an integrated approach to recovery. This past year, the BCDR team improved broadcast, communication and data network systems, bolstered alternate site readiness, and supported the Alternate Computing Facility.

The Wounded Warrior Program

Our budget request includes $2.5 million to continue the Wounded Warrior Program, which funds fellowships in Member offices throughout the country for veterans wounded in the Iraq and Afghanistan wars. The program helps these injured veterans develop valuable skills and experience so they can transition into full-time civilian employment. Since June 2008, 51 disabled veterans have participated.

Closing Remarks

In summary, in this challenging fiscal environment my CAO colleagues and I will continue our mission to provide the highest level of service to the House community. I look forward to working with the subcommittee and am happy to answer any questions.

Thank you

SUSTAINABILITY PROGRAM

Mr. CRENSHAW. Thank you very much.

It is encouraging to hear you talk about the core mission. I think sometimes in government things expand and grow, and when we have limited resources, we have to get back to the basics. It sounds to me like that is what you are working on. And I guess your core mission is to make life easier for the Members of the House, provide the information and support, et cetera.

So one of my questions is about Greening of the Capitol, we have heard a lot of talk about that. Does that fit in to the core mission, or is that something that maybe is just outside the realm of the basic mission.

Mr. STRODEL. Sir, that is, I believe, an example, whether you call it sustainability or Green the Capitol. I think there are cost efficiencies that can be made through looking at sustainability efforts. Whether it is in the House community or in the private sector, it is a way of doing business.

But I think that, in analyzing the zero-based budget approach, does this program, project, or activity fit within the core mission, or has it a duplicative function with another entity in the House? The way I see it, going forward, it is the Architect of the Capitol that has had a sustainability program in place for years. Our Greening of the Capitol made, perhaps, enhancements as it relates to specifically the House community, and we worked in partnership with the AOC.

However, I think the time has come, and I think to examine the process, we are going to see whether the duplication and/or core mission fits with the sustainability program.

Mr. CRENSHAW. Great. Thank you very much.

Mr. Honda, do you have a question or two?

COMPOSTABLE SERVICE WARE

Mr. HONDA. Let me start off with your comment here on the sustainability and duplication, things like that. I guess one subject matter was the switching of the materials we had in the cafeteria to Styrofoam.

How does that fit in your equation? And how was that decision made? Can you just sort of——

Mr. STRODEL. Yes, sir, Mr. Honda. The serviceware issue, as it relates to the food service in the cafeterias and other House facilities are specific. As it relates to Styrofoam, I can elaborate on the greater connection to our sustainability program, but the serviceware was provided by the vendor, Restaurant Associates. They provide a range of serviceware options as a part of their package.

The decision was made prior to me that compostable materials were preferred in the House community. The vendor said essentially, "Sure, we can provide compostable serviceware. However, there is a cost associated with that." And the decision was made, at the time, to do so. The cost of the serviceware and the labor associated with it and the contract to haul it exceeded $600,000 in 2008. In 2009 and 2010 it was slightly under $500,000 annually.

That money was offset against the gross receipts due to the House from the vendor.

Let's fast-forward to January of this year. One component of that program was the contract to haul the compostable materials from the House community which was separate from the Architect of the Capitol's waste disposal program. The Restaurant Associates' compostable serviceware provided had to be taken to a facility for composting.

That contract expired in mid-January of this year. Since the contract related to the hauling of compostables, and we weren't going to haul compostable materials, and we didn't need to use a compostable facility.

The cost-cutting measure was to look at the cost for these compostable serviceware options. And is there a more cost-effective way that would save money? And that decision was made. Restaurant Associates provided options, and the most cost-effective was their standard serviceware package, which is what we have today.

Related to the part of your question about sustainability overall and where that fits, the Green the Capitol initiative incorporated many ideas that were cost savings, particularly in the area of IT support—that is, the movement of servers—to the Ford Data Center. I think the Architect of the Capitol would tell you that the House has saved money by consolidating servers, perhaps a significant amount of money.

But there were certain programs that weren't saving money. From work that the IG had done in looking at this very program, their determination was the cost benefit was not there. So, as it relates to the broader sustainability initiatives, this one didn't appear to be fulfilling its promise.

Mr. HONDA. So, briefly, bottom line, are we saving money because of this?

Mr. STRODEL. Very briefly, yes.

Mr. HONDA. And is the saving being passed on to our workers, the patrons?

Mr. STRODEL. There has not been a change in price at the consumer end. The House is taking in more money on the contract. There is not a change in prices.

Mr. HONDA. If you wouldn't mind, Mr. Chairman, I would like to direct Mr. Strodel to have a written report on this issue and the cost savings and then an explanation of why we shouldn't pass this on to our patrons and our workers rather than to the House.

Let me ask quickly——

Mr. CRENSHAW. Mr. Honda, I am going to ask each of the other two witnesses to go ahead and make their opening statements, now that we are all here, and then we can ask individual questions.

We have a lot to do today, so I am going to ask the Members to observe the 5-minute rule.

Mr. HONDA. Okay.

Mr. CRENSHAW. But let's go ahead and have Ms. Haas and then Mr. Livingood make their opening statements, and then we will continue the questions, if that is okay.

Mr. HONDA. Thank you, Mr. Chairman.

Mr. CRENSHAW. Ms. Haas.

FY2011 INITIATIVES

Ms. HAAS. Thank you. Good morning.

As the newly reappointed Clerk of the House, I appreciate the continued support of the subcommittee. And I would like to briefly report on two initiatives that we undertook in our office over the last year.

Thanks to the funding you provided, we successfully replaced the Member display boards on the electronic voting system. The new system uses LED technology, which is more dependable, ADA-compliant, has built-in redundancy, increased clarity and readability, and additional technological capabilities that can be explored in the future. This project was completed early and under-budget.

The second initiative, HouseLive, is a Web-streaming service of the House floor proceedings that was launched last year. It provides increased access to the House community and to the general public of searchable video archives of the 111th Congress. We have enhanced HouseLive by adding a new video player, additional search capabilities, and the ability to view archived video on mobile devices.

Over the next 2 months, we will be adding new video clip tools that will make it easier for Members to post videos to their Web sites and their Facebook pages. We will also be adding streaming video to mobile devices.

As we move forward in 2012, the office of the Clerk expects to be very busy with increased committee activity, and, in addition, we expect to be integrally involved in advancing efforts to make House documents available electronically in a more open data format.

FY2012 IDENTIFIED CUTS

I understand we are facing very difficult economic times, and I will work aggressively to meet these challenges. As we have been reviewing our operations over the last 4 months, there are clearly places that we can cut and efficiencies we can achieve.

We have begun the process already by identifying approximately $2.8 million in additional reductions. The way we are going to approach those reductions, Mr. Chairman, is we have already identified current vacancies that we will not plan to fill; we have identified duplications within our organization and have already begun the reorganization process; and, finally, we have looked at all of our subscription services, both database and regular subscriptions, and we are beginning that process to consolidate some of those where we have some overlap there. So those are some of the additional areas we have looked at for savings.

I want to thank the committee for your support, and I look forward to working with you.

[The prepared statement of Karen L. Haas follows:]

The Honorable Karen L. Haas
Clerk of the House

Statement before the House Appropriations Subcommittee
on the Legislative Branch

May 12, 2011

Chairman Crenshaw, Ranking Member Honda, and Members of the Subcommittee, I appreciate having the opportunity to provide testimony related to the operations and FY2012 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 newly reappointed Clerk of the House, I am excited to be called upon to continue the proud history of the Clerk's office in faithfully supporting the business operations of the U.S. House of Representatives and its Members.

We are all aware that our country is facing difficult financial times and with that in mind we will work to provide you with the continued exemplary service you are accustomed to, while making every effort to hold the line on spending. I would like to highlight a few on-going projects and significant accomplishments of the Office of the Clerk.

ELECTRONIC VOTING SYSTEM

Thanks to the funding you provided, we successfully replaced the decades old Member display boards for the electronic voting system. The new boards utilize light emitting diode (LED) technology which saves energy, runs cooler, and provides a much clearer and more detailed display. The new board has the capability to display graphics and play video, should the House need that technology in the future. In addition the project was completed early and under budget.

HOUSELIVE

In April of last year, the Office of the Clerk launched HouseLive.gov, a web streaming service for the House community and the general public. This service offers an on-line, real time video of proceedings of the House of Representatives. We have recently added a new video player which has several new features, including added capabilities for iPads, iPhones, and Droids. Shortly, we will be adding enhanced internal video clipping capabilities for archived video, streaming video to mobile devices and we are planning to further expand our search capabilities. These upgrades will continue the effort to make House proceedings more easily accessible.

LEGISLATIVE INFORMATION MANAGEMENT SYSTEM (LIMS)

The Legislative Information Management System (LIMS) is essential to the legislative operations of the Office of the Clerk. LIMS is the system used to process and track all legislation from its introduction on the House floor to its signing by the President. It also provides the mechanism by which the minute to minute activity on the House floor can be entered and made available for publishing on the Internet in real-time. This multi-year modernization project began in 2000 and every year we continue to implement enhancements in this mission critical area. In 2012, we are scheduled to begin the next 3 components of LIMS; implementation of the Floor Action Reporting System (FARS); modify and improve the Legislative Activity Guide (LAG), a list of Members and how they voted; and the Legislative House Action Calendar System.

ELECTRONIC DISCLOSURE 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. The system that was created enabled individual lobbyists to electronically file their disclosure reports. There are approximately 5,000 lobbying registrants representing some 20,000 clients currently registered with the Office of the Clerk. Furthermore, there are approximately 15,000 individual lobbyists now registered in the Office of the Clerk's new lobbying contribution system. The law requires that each lobbying registrant, as well as each individual lobbyist, file a report with the Office of the Clerk disclosing certain contributions (Form LD 203). 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 also be reported. Increased computer resources as well as human resources are needed to manage the additional responsibilities.

LEGISLATIVE COMPUTER SYSTEMS

Not only have the demands on Legislative Computer Systems (LCS) increased due to the need to support the electronic filing system for lobbyist disclosure for both the House and Senate, but we anticipate the need for more computing capacity as legislative transparency and accessibility of information become increasingly important. LCS has procured, configured, and deployed laptops to essential Clerk personnel to ensure that our business functions can continue by providing remote access to those staff most needed to support legislative business. Additionally, all of the workstations in the Clerk's office have been upgraded as part of our regular 3-year replacement cycle. We are also in the process of reviewing all Clerk websites to refresh their functionality and appearance.

EMERGENCY PREPAREDNESS

The Office of the Clerk has continued to participate with the House Sergeant At Arms and Chief Administrative Officer to conduct emergency preparedness exercises. The Office of the Clerk participates in regular House and Senate Officer meetings as well as the monthly Emergency Planners meeting that includes representatives from all of the major stakeholders in the legislative process.

VACANT CONGRESSIONAL OFFICES

To date during the 112th Congress, the House has experienced three vacancies (New York 26th, California 36th, Nevada 2nd). The 111th Congress, had 12 vacancies due to the resignation or death of Members. The administration of these offices is a statutory responsibility of the Clerk, requiring time and resources of the Office of the Clerk to ensure appropriate operation and management consistent with public law and the Rules of the House.

ART AND ARCHIVES

The Office of the Clerk, with the support of this Subcommittee, continues to fulfill its mission to support the House's archival, historical and curatorial needs. We have responded to increased committee and Member needs and anticipate these requests to continue their growth in FY2012, and the appropriations request reflects this.

Official records of the House, under the Clerk's care since 1789, continue to grow in number and complexity. Part of the FY2012 request supports this important documentation of the House's activities. In the 111th Congress, we experienced a 30% increase in House records, 3.4 million records, this was accompanied by a marked increase in electronic records as well. I expect growth to continue in the 112th Congress, and I am planning to allocate resources accordingly, particularly to the area of electronic records and media (photographs, audio tapes, video tapes, etc).

The Office of the Clerk's curatorial, archival, and history staff in the Office of History and Preservation (OHP) saw an enormous amount of change during the second half of 2010. On October 20, the Speaker of the House appointed OHP Historian and Deputy Chief Matthew Wasniewski to the position of House Historian. The Speaker and Minority Leader charged the new Historian with consolidating the history function of the House under the Office of the Historian. Planning this transition occupied most of the fourth quarter of 2010 and in anticipation of the consolidation, OHP became the Office of Art and Archives (OAA). The two offices will continue their close relationship as the details of the transition are worked out in 2011.

The Clerk is the custodian of art and historical artifacts in the House. The FY2012 request supports our ongoing effort to streamline website access for committees and Members to view the House's collection. My plan is to increase the items of the House's heritage available for viewing on the Clerk's website, given the demonstrated increase in requests for such information. During the 111th Congress OAA experienced an increase of 97% in requests for reproductions of House Collection items, and even larger increases in visitors viewing the Clerk's art and history web material. Putting the House Collection online enables us to efficiently respond to this growth, to utilize the House's resources more efficiently, and to provide more open access for the public.

The Office of the Clerk will continue to provide guidance to Members concerning their records management. Our plans for FY2012 will build on the strong outreach efforts this Committee has supported in the past. In 2010, the archival staff more than doubled the number of consultations in 2009, and I expect that trend to continue.

PAGE PROGRAM

The Page Program is an important responsibility of the Office of the Clerk. Under the leadership of the Deputy Clerk of the Page Program and with the direction of the Page Board, we continue to explore opportunities to offer the Pages a complete legislative experience.

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 under the Legislative Resource Center (LRC). The House Library is located in three locations, the Cannon HOB, the Madison and Adams buildings of the Library of Congress. Presently, the House Library is a legislative, law and general reference library that provides information services to House Members and staff, the House Parliamentarian, House committees, legislative and general counsel, constituents and other government entities.

The Office of the Clerk continues to work on a plan for modernizing the library. First, the library needs to preserve and improve the collections located in the Cannon, Madison and Adams buildings. The book collections in all three buildings need to be evaluated for re-binding etc. We have finished digitizing the House calendars, next are various House publications, including original documents of the Clerk and the legislative histories of popular laws. Second, the Cannon and Madison libraries need adequate ventilation systems. 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.

Third, the Office of the Clerk is working to find a suitable space for a full functioning House Library Reading Room. Our goal is to provide a valuable one-stop research facility that has its total focus on the U.S. House of Representatives. We are in the initial stages of development and in cooperation with the Architect of the Capitol will keep the Subcommittee apprised of progress and any future funding requests.

OFFICE OF THE HOUSE EMPLOYMENT COUNSEL (OHEC)

OHEC continues to play a vital role in providing counsel, support and representation to employing authorities of the House.

THE SERVICE GROUP

Our administrative support of the Member and Family Room, the Lindy Claiborne Boggs Congressional Women's Reading Room and the House Prayer Room and attendant services for floor operations remain a priority.

FY2012 BUDGET REQUEST

After an initial review of the operations of the Office of the Clerk over my four months in office, I believe there are opportunities for reductions in spending and improved efficiencies. We have made structural changes to the Office of Publication Services moving printing services into the Legislative Resource Center. This creates a one-stop shop for our customers as well as streamlines our interactions with the Government Printing Office. Additionally this will also help to reduce some of the duplication of efforts that have been identified within our operations. While this is just one example, we are dedicated to working with the Subcommittee to achieve savings and make improvements in the upcoming year.

In FY2012 the Office of the Clerk expects two major expenses: $1,000,000 for supplemental stenographic reporting; and $816,000 for closed captioning for the House Floor proceedings. In addition we anticipate that our office will be integral in the effort to make House proceedings more transparent as well as provide immediate access to electronic documents in a more open data format. This is an ongoing effort that will require significant resources in both equipment and manpower for the foreseeable future.

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 look for tasks which can be performed in-house to control costs. Please be assured we will continue to save money in every possible way.

I appreciate having the opportunity to appear today. I am ready to assist you in any way throughout the development of the FY2012 spending bill for the House and will be more than happy to answer any questions you may have.

FY2011 COST CUTTING INITIATIVES

Mr. CRENSHAW. Thank you very much.

Mr. Livingood, we will hear from you.

Mr. LIVINGOOD. Good morning, Mr. Chairman, Ranking Member Honda, Mr. Price and Mr. Bishop and everyone. It is a pleasure for me to be here today to present our budget request for fiscal year 2012.

But before I start, briefly I would like to thank all of you for your assistance, because the assistance of the committees, this committee, really helps us provide a safer and more secure environment for Members, staff, visiting dignitaries and world leaders, and the thousands of visitors we have every day.

As we recently underwent preparations for a potential government shutdown and made adjustments to our fiscal year 2011 budget, I spent a considerable amount of time with staff looking at the entire Sergeant at Arms Office, its personnel and operations. As a result, I have implemented a freeze on future hires and continue to look for additional cost-savings measures. I will work with the committee and House leadership in accomplishing this task.

INCRESASED COORDINATION OF EMERGENCY MANAGEMENT

The integration of the former Office of Emergency Preparedness into the Office of the Sergeant at Arms—and it is now called Office of Emergency Management—has brought far greater coordination to the House community overall emergency management effort.

SAFETY IMPROVEMENT PROJECTS

I am pleased to report we are moving forward on a number of projects to improve occupant safety throughout the House complex. In particular, I would like to note the project to install emergency communications stations and closed-circuit television cameras in the stairwells of the House office buildings. That is on schedule to be completed by September of this year.

This project will enable occupants of our House buildings to establish two-way communications with emergency responders should an evacuation route be blocked. It will also—the CCTV portion will allow the Capitol Police to monitor evacuations and more rapidly respond to resolve problems that might occur. Call boxes have also been installed at elevators for persons with accessibility needs.

With the support and assistance of the Chief Administrative Officer, we have established a working group to reinvigorate efforts to integrate emergency notifications, such as the Roam Secure System already owned by the House. We are confident that this united effort will lead to an expanded and more integrated means of communicating emergency information in a very cost-effective means, because we already have the system.

We are also engaged in discussions with other Capitol entities regarding the acquisition of a computerized modeling tool, with a view to requesting funding in future years.

In closing, I would like to thank the committee once again for all that you do to help all of us. And let me assure you that my longstanding commitment is to provide the highest-quality support for the House of Representatives in the safest and most secure environment possible. It is my goal to remain vigilant and security-conscious, while continuing to maintain the fiscal responsibility expected by the House of Representatives.

COST-SAVING EFFORTS

I am well aware and understand the climate that affects our country, the legislative branch, and the entire Federal community. Some of the cost-saving methods that we have been looking at and are going to institute: First of all, after the last CR, I implemented a hiring freeze and have not filled current vacancies and do not plan on that. Secondly, we do not plan on filling any future vacancies. We are going to look at the whole organization with the idea of, where can we reorganize to maintain maximum staff efficiency.

We have reduced travel to support off-campus events. We have reduced other services, such as supplies, equipment, security contracts, and consultant services. And we are in the process of looking at potential door closings in every building, which will be a Capitol Police savings.

Thank you for your assistance, cooperation, and guidance from all of you.

[The prepared statement of Wilson Livingood 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 2012 Budget Submission

Good morning Mr. Chairman, Mr. Honda, and members of the Committee. I appreciate the opportunity to appear before you today to present the Sergeant at Arms budget request for fiscal year 2012. Before I begin my statement, I would like to express my sincere gratitude to each member of this Committee and look forward to working with you throughout this budget cycle. Your assistance enables us to provide a safer and more secure environment for Members, their staff, visiting dignitaries and world leaders, and the many 1000s of visitors who come here each day.

As we just recently underwent preparations for a potential government shutdown and made adjustments to our fiscal year 2011 budget, I have spent considerable time looking at the entire Sergeant at Arms organization, its personnel and operations. As a result I've implemented a freeze on future hires and continue to look for additional cost saving measures. I will work with the Committees and House Leadership in accomplishing this task.

The total funding requested for the Office of the Sergeant at Arms in fiscal year 2012 is $19,454,000 which includes $9,678,000 for personnel expenses and

$9,776,000 for non-personnel items.

As Sergeant at Arms, I review and implement all security matters relating to the House of Representatives. And as a member of the U.S. Capitol Police Board, I take part in establishing policies and guidelines to safeguard the Capitol complex and its occupants.

The integration of the former Office of Emergency Preparedness, Planning and Operations (OEPPO) into the Office of the Sergeant at Arms has brought far greater coordination to the House community's overall emergency management effort. I am pleased to report that we are moving forward on a number of projects to improve occupant safety throughout the House complex. I would like to note in particular:

- The project to install emergency communication stations and closed circuit television cameras (CCTV) in the stairwells of the House Office Buildings is on schedule to be completed by September of this year. This project will enable occupants to establish two-way communication with emergency responders should an evacuation route be blocked. The CCTV installation will expand the ability of the Capitol Police to monitor evacuations and more rapidly respond to resolve problems that might occur. Call boxes have been installed at elevators for persons with accessibility needs.

- With the support and assistance of the Chief Administrative Officer, we have established a working group to reinvigorate efforts to integrate emergency notifications such as using the Roam Secure System already owned by the House. We are confident that this unified effort will lead to an expanded and more integrated means of communicating emergency information.

- Cooper Desktop Notification (CDN) - The Sergeant at Arms is currently in the process of implementing the Cooper Desktop Notification tool as part of the House's current Roam Secure system in coordination with the CAO and USCP. This tool will allow the USCP to send emergency notifications to computer desktops of all House recipients that are logged onto the network. The implementation of this new tool will allow seamless and simultaneous emergency notification to desktop and laptop computers in addition to the current devices.

- The Sergeant at Arms is also engaged in discussions with other Capitol entities regarding the acquisition of a computerized evacuation modeling tool, with a view toward requesting funding in FY13.

Personnel funding in the amount of $9,678,000 is requested for 134 FTE.

Non-personnel funding is requested to support the following programs – Member Services, Security Support, Administrative, and Miscellaneous:

- $185,000 is requested for the Members Services program to purchase supplies and materials for the 113th Congress. This program funding is requested in even numbered fiscal years only.

- $326,000 is requested for the Security Support program which provides funding for Sergeant at Arms staff to advance and support off-campus events involving Members of Congress. Funding the Security Support program will all also allow continued contractor support in the areas of emergency planning and preparedness, as well as continued consultant services in the areas of threat mitigation, force protection, and counter-terrorism.

- $524,000 is requested for the Administrative program to purchase general office supplies and equipment, to pay for the maintenance of office equipment, and to pay for the use of telecommunications. Funding in the administrative program is also requested for the continued training and education of all Sergeant at Arms staff. A well prepared and trained staff is essential in the successful execution of all job responsibilities. Continued training for staff includes training related emergency preparedness, information technology, leadership/management, office administration, and customer service.

- $8,741,000 is requested for the Miscellaneous program to fund resource services and overall emergency management operations for the division of Emergency

Management. Funding will also be used to purchase the lifecycle replacement of escape hoods.

In closing, I would like to thank the Committee once again for the privilege of appearing today. Let me assure you of my longstanding commitment to provide the highest quality support services for the House of Representatives in the safest and most secure environment possible. It is my goal to remain vigilant and security-conscious, while continuing to maintain the fiscal responsibility expected by the House of Representatives. I will continue to keep the Committee informed of my activities and will be happy to answer any questions you may have.

Thank you.

WOUNDED WARRIORS PROGRAM

Mr. CRENSHAW. Thank all of you for your testimony.

We will continue now with questions and call on Mr. Bishop.

Mr. BISHOP. Thank you very much.

Let me ask two questions for Mr. Strodel.

Mr. STRODEL. Yes, sir.

Mr. BISHOP. As ranking member of the House Military Construction, Veterans Affairs Approps Subcommittee, I am very interested in the participation in the Wounded Warriors Program.

Have you followed the careers of the 51 disabled participants in the House of Representatives Wounded Warriors Program since June of 2008? And how many of them have been able to transition into full-time civilian employment? And have any of those been offered employment by the House?

Mr. STRODEL. Yes, sir.

The question is about the Wounded Warrior Program. It was authorized in 2008 sir, at 50 positions. The administration of the program was assigned to the CAO, and we have a program manager, Patricia Orsini, who does a fantastic job. The elements of the program are a servicemember has to have less than 20 years of service, have a 30 percent service-connected disability, and have served post-September 11th. Participation has increased every year.

And to your point about the follow-on, the intention of the program is a 2-year fellowship, with the idea of bringing these folks back into the workforce. We have placed 31 in Member offices and more are in the pipeline. Three individuals have gone on to be hired by a particular Member or Committee, so they are current House employees, no longer employed through the Wounded Warrior Program.

Externally, I don't have that data, regarding if they have moved on to other employment. I do know one or two have gone on to the Veterans Administration. But I can follow up with specifics on all of them.

HOUSE FINANCIAL SYSTEM

Mr. BISHOP. All right. Thank you for that.

Mr. Strodel, Member offices have long been frustrated about the length of time that it takes to get our purchase orders and our payment vouchers processed. I was pleased to hear that you have replaced your 15-year-old financial system with PeopleSoft, which promises to provide realtime updates on our orders and our voucher status.

Could you tell the committee how many voucher transactions you process in a year and whether the number has increased over the last 5 years? And will the implementation of the PeopleSoft system necessitate additional staff, or will it reduce your staff requirements?

Mr. STRODEL. The PeopleSoft system was several years in the implementation. It replaced a system called FFS, the Federal Financial System, which was a stopgap measure some 15 years ago. In moving toward state-of-the-art technology, there were several points along the way where it was delayed. But it did, sir, "go live", on October 1 of last year. We are currently using PeopleSoft as the financial system for the House.

It is an integrated system, so that other standalone systems can function through PeopleSoft. So whether it is inventory management or procurement, they all run through the same system, giving certain savings and efficiencies, reporting capabilities, and better internal controls.

In terms of the number of vouchers since I have been in this position, I felt very, very strongly the frustration of Member offices. This subcommittee previously asked for a survey of the House community regarding our services, particularly in the areas of finance and voucher processing. One of the first actions taken was to meet with the financial points of contact in the Member offices, with a group called the Professional Administrative Managers, which your staff may serve on, and people whose job interacts with our organization. They were extremely frustrated, extremely frustrated.

Additionally PeopleSoft has a transparency component. And what we hope to get to, Mr. Bishop, is a point where your office and other offices through the system, enter your own voucher and follow it along the process. We still pay it, but you control the submission and see how it flows through the process.

That is where we hope to get to with PeopleSoft but we are not there yet. Currently, we do have a pilot program where offices can see where their financial data is in the process. However, they can't enter it themselves yet.

And that all sounds great, and there are going to be efficiencies, but the transition and the development of it needs to be methodical and programmatic to roll these out. So I am not suggesting that the current system is wonderful, but we are making incremental improvements. There is a long developmental process and we will work with the authorizing committee to make sure this is the direction we want to go.

Getting to your point about numbers, I am so glad the CFO, Traci Beaubian, is here, because she can tell you the number of vouchers that are processed annually. It is in the thousands per week.

Is that correct? About 250,000 vouchers annually.

There will be efficiencies and less paperwork on both ends of processing. If that ultimately leads to the opportunity to streamline staffing, that would be a nice outcome.

Mr. BISHOP. Well, thank you.

I don't know, how is my time?

Mr. CRENSHAW. I think it has expired. We will have time for some other rounds.

Let's go to Mr. Price.

DEFENSE OF MARRIAGE ACT

Mr. PRICE. Thank you, Mr. Chairman.

I would like to raise the issue of the pending House defense of the Defense of Marriage Act, a legal action that was voted on by the council of House leaders and which apparently is moving forward.

And I guess, of the folks now sitting at the table, the Chief Administrative Officer would be the one to address, but if Mr. Kircher wants to chime in, I would be happy to have him join us at the table, as well. The General Counsel, is he here?

Mr. KIRCHER. I am here. You want me to sit?

Mr. PRICE. Yes. I am sure you will have something to say about this.

Mr. STRODEL. He is much smarter than me.

But I can say that, in terms of on the operational side, I have not received a request on this topic.

Mr. PRICE. You have not received a request? There has been a vote taken by the Bipartisan Legal Advisory Group, the group of five House leaders. And, as you know, well-publicized letters have been exchanged between the Speaker and the minority leader.

Other Members, I am sure, will have questions about this. Let me just begin, though, with a question about the historical context of this decision.

What kind of precedent is there for the House paying for litigation approved by the BLAG in previous Congresses?

We are talking about substantial money here, maybe not as big legal endeavors go, but we are talking about $500,000 as the fee that has been apparently stated. That would be, of course, more than a third of the General Counsel's budget. So we are talking about a substantial dedication of funds, either from this source or from some other.

But my initial question has to do with the historical context. Is there precedent for this? Has this been done in the past?

Mr. KIRCHER. I have been working in the General Counsel's Office since 1995. There are two instances during that period of time in which my office has signed retainer agreements with outside counsel to provide legal representation to the House in one instance and advice to our office in another instance.

In both of those instances, the General Counsel signed the retainer agreement with the outside lawyer. The agreement was approved by the chairman of the Committee on House Administration. And the funding to pay for those outside attorneys was provided from sources outside the General Counsel's budget.

So there were two instances, as I said, in the last 15 years. I am aware of one other, dating back to the early 1980s. You may be familiar with the Chadha case from the late 1970s, early 1980, which ended up in the Supreme Court. In the course of that, the House retained an outside attorney named Eugene Gressman, who, at the time, was a law professor at UNC, who represented the House in briefing in the Ninth Circuit and the Supreme Court. So that is a third precedent for this kind of arrangement.

Mr. PRICE. Now, these precedents, do they involve the defense of statutes? How do they compare to the case we are talking about here, both in subject matter and in the cost involved? In other words, to what extent are these convincing precedents for the House undertaking this kind of legal action?

And let me just also ask you, why private lawyers? Apparently, an attorney named Paul Clement has been retained. There has been a fee set of $500,000. Why a private lawyer? Why this fee? We are told that is a 25 percent discount; has that been reviewed by Ethics? How was that fee established? What kind of bidding went on?

I am interested in the precedent, of course, but I am also interested in the terms of this agreement and how conventional it is.

Mr. KIRCHER. Well, in terms of the numbers that were spent in the previous three instances that I described, I don't have those numbers in hand.

Obviously, the Chadha case was more than 30 years ago, so, you know, the absolute dollars simply wouldn't compare. The Chadha case did involve the defense of a Federal statute that the Department of Justice declined to defend, which is directly analogous to the situation here.

Another case in the late 1990s involved litigation over the census. The issue, at the time, was whether the Census Bureau could conduct—whether it was consistent with the Constitution for the Census Bureau to take surveys and to rely on surveys in order to come up with an enumeration of the population in time for the 2000 redistricting. So that is a little bit different.

The third instance is different in the sense that my office, at that time—the third instance involved fallout from the search warrant that was executed on Congressman Jefferson's office in 2006. There were some efforts between my office, at the direction of the House, to negotiate some protocols with the Department of Justice pursuant to which warrants could be executed on the House consistent with the Constitution so as not to raise these kinds of issues.

Mr. PRICE. All right. So it sounds like one of these precedents, one from decades ago, had something to do with defending a statute.

Can you answer my other questions? Why the hiring of outside counsel? What kind of bidding process? How was this fee set? What is the story about the discount? And so forth.

Mr. KIRCHER. Well, let me start with the discount notion. There isn't a discount. If you take a look at the retainer, you will see it is actually a blended rate. That is simply a one dollar-per-hour rate for every lawyer who works on the contract. Some of those lawyers will normally bill at a rate below that hourly rate; some of the lawyers will normally bill at a rate above that hourly rate. It is a method to simplify the billing. Whether it will ultimately work out to the House's advantage, in terms of savings, is——

Mr. PRICE. Excuse me. Doesn't the contract state that the firm is assessing at 75 percent of the regular charges?

Mr. KIRCHER. No. The 75 percent figure comes with respect to non-lawyer time. So that is essentially paralegal time and that sort of thing, which will be a very, very small fraction.

Mr. PRICE. Okay, but a discount is a discount, right, in terms of the ethics rules? Or is it?

Mr. KIRCHER. Well, my understanding of the ethics rules is that there is—if you view the 75 percent discount, which, as I said, is a very small fraction of the likely billings we are likely to receive, my understanding is that the ethics rules with respect to the defense or cases involving challenges to Federal statutes do not place a limit on pro bono assistance.

So I think the fair reading of the ethics rule is that if you can take pro bono representation, which is zero, then you can take a discount.

Mr. PRICE. And the Ethics Committee has confirmed that?

Mr. CRENSHAW. Mr. Price, we have been pretty liberal. You can pursue that on your next round.

Mr. PRICE. All right. Just one final question.

The Ethics Committee has confirmed this?

Mr. KIRCHER. I do not believe there has been a committee signoff on that, an Ethics Committee signoff on that.

Mr. PRICE. Thank you, Mr. Chairman.

IMPLEMENTING TRANSPARENCY

Mr. CRENSHAW. Ms. Haas, I know that the Speaker has made transparency a big issue, making the House more open. And I imagine you have a lot to do with implementing that.

I wonder if you could just comment on what are your thoughts about that and what are you trying to do. Does that require additional resources?

Ms. HAAS. Sure, absolutely. There are a couple areas that I could give you some examples of on transparency and some progress we are making so far this Congress.

First, as you know, the House adopted a new rule this Congress making constitutionality statements a requirement when bills are introduced. As part of that rule, it also required that that information be made available electronically. As you know, we receive this information in paper form. So we worked together with the Library of Congress, the GPO, and our office to develop a system to make this information available electronically and also in a searchable format.

I mentioned earlier in my testimony the HouseLive Web-casting. That is something that we are continuing to roll out improvements to. It will allow both the House community and the public community to receive the House proceedings on mobile devices. And we expect that upgrade to be rolled out in the next couple weeks.

And then, finally, a project that I think we are going to be tasked with in the very near future is to develop a system for committees' electronic documents to be made available in an open data format. And that is a project that the public has been very interested in because they want to receive this data in a format that they can use and that is very accessible.

The HouseLive rollouts will require some additional resources. We have had some early estimates, about $75,000 or so. This third project on the electronic documents we think will be a significant project. We haven't been tasked with it yet, but we expect to have it happen, and we have done some early estimates on that. Our early estimates are about $1.3 million. We assume that we will need to include a document management system, additional network capability and additional servers.

So those are three examples of some things on the transparency side that we have either completed or are in the process of working on.

Mr. CRENSHAW. Thank you.

INCREASED SECURITY

Mr. Livingood, along the same lines, in terms of increased resources, after the incident with Representative Giffords, there were a lot of Members who said, we might need more money in our office accounts to deal with security, et cetera. And you, at the time, it seems to me, came up with some really very commonsense solutions to some of those issues.

And I know that you were working to establish a law enforcement coordination with the Members' offices. And most of that was just thinking ahead and being smart and not costing a whole lot of money.

Talk a little bit about how that is working out and what you have done there.

LAW ENFORCEMENT COORDINATOR PROGRAM

Mr. LIVINGOOD. Well, Mr. Chairman, when we came up with the idea of a law enforcement coordinator in the district offices, we were thinking that there are so many district offices in the House and that each Member needed in his or her district office a law enforcement coordinator who would go out to the police departments—and that means every police department in your area; that would be the local police, the county police, sheriff's department, and the State police—and make contact with them at a higher level than just a patrolman or a trooper and be able to go to them when you have any security concerns.

Plus, let them know when the Member is attending a public event. And then they would ask the police to go with them or ask the police to cover that event, but usually to go out and look at it with them first. And then request that they have a presence at that event, which the police would decide. And if they have a problem getting law enforcement presence, then they are to come back to the Capitol Police or to my office, and we will then start making calls ourselves.

We, the Capitol Police Board—sent a letter to over 17,000 police agencies and asked for their cooperation in this effort. We did not hear a negative from anyone, but we heard over 50, 60 positives, that, "We will help you, don't worry." Several even said they are going to start a dignitary protection division in their department.

So far, it has worked out very well. We are just finishing getting an LEC in every district office. There are a few offices that have not yet furnished us with a name, but we sent something out again this week asking them to please send us their name.

And we have information on our Web site, intranet, for every office, district office, about security and what to do with the LECs, what to do to help the Member when there is a public event.

Mr. CRENSHAW. So that is all working out, it sounds like, pretty well.

Mr. LIVINGOOD. So far, so good, sir.

Mr. CRENSHAW. That is good to hear. Thank you.

Mr. Honda.

DEFENSE OF MARRIAGE ACT

Mr. HONDA. Thank you, Mr. Chairman.

Let me get back to—I was going to ask, initially, a question on the Defense of Marriage Act, and then I would like to follow up on Mr. Price's line of questioning.

You said there were precedents before, three. In those days, did they have the Antideficiency Act in place at that time?

Mr. KIRCHER. I believe the Antideficiency Act has been around since the middle of the 19th century, so, yes, I believe so.

Mr. HONDA. Okay. And the Antideficiency Act says what?

Mr. KIRCHER. Not committing unappropriated funds? Is that what you are referring to?

Mr. HONDA. Well, whatever the act says.

Mr. KIRCHER. All right.

Mr. HONDA. That is what it says? Cannot appropriate or spend money that you don't have or that has not been allocated?

Mr. KIRCHER. Something to that effect, yes.

Mr. HONDA. Or spend money outside of the account area.

Mr. KIRCHER. Well, I don't have the act in front of me, so you are putting me at a little bit of a disadvantage. But I can certainly get access to it if you want me to discuss the act, itself, in detail with you.

Mr. HONDA. Okay. So, basically, it is about not spending money that you don't have or you haven't budgeted for, it seems to me, that is not within our account area.

And what I understand is that there has been a price tag of $500,000 that is out there. Has that been committed in a contract?

Mr. KIRCHER. The contract, as you may be aware, puts a cap on the spending. It puts a cap on the——

Mr. HONDA. So it is, you do not go beyond this amount of money.

Mr. KIRCHER. Yes, sir.

Mr. HONDA. And this is with a private firm, outside firm.

Mr. KIRCHER. Yes, it is with the firm of Bancroft PLLC.

Mr. HONDA. For paralegals, we will be charged 75 percent of a standard charge of a paralegal.

Mr. KIRCHER. Yes.

Mr. HONDA. And then I thought I heard you say that we would be charged a dollar per hour per lawyer.

Mr. KIRCHER. Yes, $520.

Mr. HONDA. I am sorry?

Mr. KIRCHER. Five hundred and twenty dollars per lawyer hour.

Mr. HONDA. Oh, I thought you said a dollar per hour.

Mr. KIRCHER. No, no, no. I wish it was a dollar per hour. No, it is $520 per hour.

Mr. HONDA. I didn't hear the amount.

Mr. KIRCHER. I am sorry, I am sorry. I meant a particular dollar amount per lawyer per hour.

Mr. HONDA. Is that a discount?

Mr. KIRCHER. Well, I don't think it is a discount, Mr. Honda.

Mr. HONDA. What does our legal counsel get per hour, more or less?

Mr. KIRCHER. Oh, you are talking about me? It would be a figure below that amount.

Mr. HONDA. Okay. And so, having said all that, talking about precedents and costs, in order to effect the contract, is there not a process of approval where the Senate and the President's office has a say in doing this? Or is that just in transfer of funds from one account to another?

Mr. KIRCHER. Are you asking me how this particular contract will be paid? I am not sure I——

Mr. HONDA. No. I am asking how we effect a contract such as that with outside counsel using money that we don't have.

Mr. KIRCHER. Well, I understand that we do have—the House does have funds.

Mr. HONDA. Where is it coming from?

Mr. KIRCHER. My understanding is it is being reprogrammed from other sources in the House.

Mr. HONDA. Reprogrammed by whom?

Mr. KIRCHER. Well, by the appropriators. The Speaker's office obviously will be involved in that process.

Mr. HONDA. So it hasn't happened yet.

Mr. KIRCHER. I don't know, Mr. Honda, whether it has happened or not.

Mr. HONDA. Mr. Strodel, you say you haven't received a request. Does a request have to go to you first before you effect a contract?

Mr. STRODEL. At some point along the way, it would come to my office to be effected.

Mr. HONDA. So, as of now, you don't know what is going on?

Mr. STRODEL. I do not have a request.

Mr. HONDA. You don't know what is going on.

Mr. STRODEL. That is correct, I do not.

Mr. HONDA. So you won't even know whether it is coming out of your funds or not.

Five hundred thousand dollars, I think it was said, is about 35 percent of your budget, correct?

Mr. KIRCHER. It is not coming out of the budget of the Office of the General Counsel.

Mr. HONDA. Oh.

Mr. KIRCHER. It is being reprogrammed from other sources. Whether it will be——

Mr. HONDA. Are you part of that negotiations or what?

Mr. KIRCHER. No. I told you that I have been informed that that is what will happen.

Mr. HONDA. Have you asked, where is it coming from?

Mr. KIRCHER. No.

Mr. HONDA. Is anybody curious? How is this being done? Does anybody know?

Mr. KIRCHER. Well, I assume the appropriators know, I assume the Speaker's office knows. It is possible that the Committee on House Administration also knows. I would think those would be the principal people involved in effecting the reprogramming——

Mr. HONDA. The contract has already been signed.

Mr. KIRCHER. Correct.

Mr. HONDA. How do you sign a contract without prior permission?

Mr. KIRCHER. Permission of? I was directed by the leadership of the House to do this. It was approved by the chairman of the Committee on House Administration.

Mr. HONDA. Is that the process?

Mr. KIRCHER. Well, that was the process that was followed here.

Mr. HONDA. Is that the legal process?

Mr. KIRCHER. I am not aware that there is anything illegal or improper about that process.

Mr. HONDA. The Antideficiency Act says you can't spend money you don't have. You are not spending it out of your budget.

Mr. KIRCHER. Uh-huh.

Mr. HONDA. And, therefore—but you signed it knowing full well that it is not going to come out of your budget. Where is it coming from, and how can you sign something prior to—you know, with all those things in place?

Mr. KIRCHER. Because, as I indicated, I was advised by the leadership of the House that the money would be reprogrammed and would be available to pay the contract.

Mr. HONDA. Was that in writing?

Mr. KIRCHER. No.

Mr. HONDA. How do you know that is—how would I know that that is the way it is going to be?

Mr. KIRCHER. Well, you are asking me. I am telling you what I understand. You are certainly welcome to confer with the Speaker's office.

Mr. HONDA. Okay. Thank you.

Mr. CRENSHAW. Thank you.

Mr. Bishop, it is your turn.

Mr. BISHOP. Thank you very much.

MEMBER SECURITY

I would like to return to Mr. Livingood and ask him about the issue of security for Members and Member offices.

Obviously, with the tension that developed around the healthcare debates and then the Giffords incident earlier this year, you developed a very thoughtful policy to have liaisons in each of our district offices, as well as in the Washington offices, for security, and to have them reach out to the local police organizations.

You made recommendations for the physical security of our offices as well. In fact, I think ADT was contracted by the Sergeant at Arms Office to provide a security assessment for each of our individual district offices. There was, I understand, some problem with the reports that were coming back initially. These security assessments will require funds to do a number of physical alterations to the district offices.

Given the shortage of funds and one reduction in our MRAs, is there a precedent—As to how the Senate handles providing security modifications to Member offices as compared to what we do in the House?

Also, is there a recommendation that this committee could make in terms of providing for the added cost of security, given the fiscal constraints that we are under today?

Mr. LIVINGOOD. If I may. Just to give you a basis historically, we started years ago. Members were asking for security, physical security in their district offices. We then got with the police, the committees, this committee and the Committee on House Administration and figured out we would send somebody from the Capitol Police, and they would do a survey. Then that office—would send it back. The Capitol Police physical securities section would approve it, so there wasn't some wild idea that was way over cost than needed. We would go back to the office and give their approval through the Committee on House Administration. That worked out well for years.

Then, with a large influx of new Members, the Capitol Police were overwhelmed because there are only several teams that go out. And we didn't want to wait 4 or 5 years, or 3 years to have it done. So Capitol Police came up with the idea from the Senate of the possibility of using as under contract, ADT, who was already under contract to the Leg—or not the Leg Branch, but to the Capitol Complex for the Senate. And we talked to some others and found out that ADT appeared to be the best or could handle.

So we notified offices out that ADT is available. We also offered offices the option to use a local contractor if they don't want to use ADT. That did not change.

ADT got overwhelmed with a large number at once. We have had several meetings, particularly in the last 2 weeks. Since that, I have not heard any complaints. It seems to have been ironed out.

My understanding is that it does come out of the MRA. And does the Senate do it differently? I have been told. I do not have confirmation. I am not exactly sure how, but that somehow the Senate pays for that. I don't know if they have an MRA or if there is another way.

Mr. BISHOP. I am talking about the physical security. For example, in our offices, the recommendation from your team was that we needed to have some doors installed and some cameras installed and position the doors in a certain way, which required physical alteration of the facilities, the buildings.

And it is my understanding that the Senate has for a number of years provided each Senator's office, through the—I guess—your counterpart on the Senate side is who?

Mr. LIVINGOOD. That is what I understand, that it——

Mr. BISHOP. Who is your counterpart——

Mr. LIVINGOOD. The Senate Sergeant of Arms——

Mr. BISHOP. The Senate Sergeant of Arms has a fund from which the Senate Sergeant of Arms can provide physical alterations for security purposes to Senate Member offices.

Mr. LIVINGOOD. That is what I was alluding to. There is—I haven't followed up with them on how they do it or what they do or how much, because I know they have 100, and we have quite a bit more. And so far, at least until the period when ADT got behind, it had been working. I realize that everyone is concerned about the MRAs, but that is an area that is not in my expertise.

Mr. BISHOP. What I am trying to understand is that on the Senate side, each Senator has an allocation for their physical offices in their respective States. Therefore, if alterations have to be made for security purposes, the Senate Sergeant of Arms—from that security fund—is able to make the necessary modifications and oversee that work such that it doesn't have to come out of the Members' allowance.

Mr. LIVINGOOD. That appears to be. I do not have the full story because I haven't asked it. But it appears to be that the Sergeant of Arms of the Senate has a fund that he approves that I guess is a Senate fund. I don't know where it comes from or how or what.

Mr. BISHOP. Obviously, it has to be appropriated by Congress.

Mr. LIVINGOOD. By the Senate.

Mr. BISHOP. But there has got to be lighting. There has got to be wiring. There has got to be doors installed. There has got to be windows and bulletproof glass.

It seems that if there were an allocation of X amount per Member district office that was put into your account for security, don't you think that would assist Members and their staffs and their constituents in providing better security than we have now but at a reasonable cost?

Mr. LIVINGOOD. I will say, first, on the—on some of those major renovations, what we go back to the office and tell them, like doors moving and doing certain things that are more permanent fixtures, we tell them to talk to the building manager or whoever you signed your lease with and try to ask them to do it and include that in your rent. That is working with the CAO's office. We discussed that.

And as far as having a fund in our office, I cannot answer that. It would be a large, large number. And it still comes from the House Appropriations Committee. And to administrate that, quite frankly, on my part with a small office would be a large task. But it would alleviate possibly what you have been talking about having to use the MRA; there would be another way. But again I don't have any answer to that because that is really not my area of expertise.

Mr. CRENSHAW. Thank you, Mr. Bishop.

I think you raise an interesting point. And I think a lot of this, when we stop and think that there are risks involved, it makes us all think about what kind of office space we are leasing, because I know it has come to mind to a lot of Members, you realize that there is maybe a better place to have an office or a more secure place. I think it is very legitimate to talk about it because I think it is all beginning to come to light. So thank you for that. Let us go now to Mr. Price.

DEFENSE OF MARRIAGE ACT

Mr. PRICE. Thank you, Mr. Chairman.

Let me return to our line of questioning about the defense of the Defense of Marriage Act, first a loose end from my questions and then an additional question raised by the answers of the general counsel to Mr. Honda. But just quickly, can you fill us in on what kind of bidding process, if any, was utilized to choose counsel in this case? Did you or anyone else administer a search or a bidding procedure?

Mr. KIRCHER. I wouldn't call it a bidding procedure. We did talk with another law firm that had been identified as a possible candidate for this job. And we talked with those two firms, Mr. Clement's original firm, King & Spalding and another firm.

Mr. PRICE. So you did think about it and confer, but you did not do anything as formal as issuing a notice or receiving bids?

Mr. KIRCHER. No.

Mr. PRICE. Is that standard practice?

Mr. KIRCHER. Well, I have given you the instances in which I know of that the House has done this, as I said, within the past 15 years that I have been here. And in both of those instances, the House went out and identified the lawyers that it thought could do the job. Lawyers are different than widgets. There are lawyers with particular expertise.

Mr. PRICE. Well, bidding processes, of course, take that into account. You are not bound to hire unqualified people.

Mr. KIRCHER. Right. I will say what happened here is consistent with what happened in those other two instances I identified, which is we went and we looked for lawyers that we thought could do the job and had the expertise to handle it.

Mr. PRICE. There was no public notice that this position was available?

Mr. KIRCHER. No.

Mr. PRICE. This was simply a private internal process to your office?

Mr. KIRCHER. That is fair. Well, I should say not just to our office. Obviously, the Speaker's Office and the leadership offices were involved as well.

Mr. PRICE. But it was not a public process?

Mr. KIRCHER. No, it was not a public process.

Mr. PRICE. I am puzzled by your answer about the Antideficiency Act and by where this money is coming from. If I heard you correctly, you suggested that a reprogramming request would be forthcoming for a transfer of funds within the legislative branch.

Mr. KIRCHER. Yes.

Mr. PRICE. That is not my understanding of the Speaker's intent. Perhaps you can correct me or perhaps there has been a change. I am quoting here from an April 18 letter from the Speaker to leader Pelosi and here is what he says quite straightforwardly: "Obviously, the Department of Justice's decision [i.e., the decision not to defend this statute] results in DOJ no longer needing the funds it would have otherwise expended defending the constitutionality of DOMA. It is my intent that those funds be diverted to the House for reimbursement of any costs incurred by and associated with the House and not DOJ defending DOMA."

And then he says again later in the letter, "I would welcome your joining me in support for redirecting these resources, those resources from the DOJ." Now, that sounds like something rather different from the internal reprogramming you had described, and it certainly raises Antideficiency Act issues, doesn't it?

Mr. KIRCHER. I don't think so. I mean, I don't want to presume to speak for the Speaker here, but I think what he is probably referring to there is I think he used the word reimbursement; that is, the House obviously is going to have to pay the lawyers to get started on this thing.

The work has already begun, obviously. The cases were in litigation at the time the Department of Justice pulled the plug on them. I think what he is probably referring to there is diverting money from the Department of Justice budget to the House to reimburse the House for the moneys that the House will have to reprogram in order to pay the lawyers on a going-forward basis. I suspect that is what he is referring to. But as I said, I would like not to be presuming to speak for the Speaker.

Mr. PRICE. The ultimate source of the reimbursement is presumably $500,000 from the Department of Justice. Has any request been made of the Department of Justice for reimbursement? Has any appropriations proposal been made to reduce the appropriations by that amount or has any other public or private request gone forward that would effect such a transfer?

Mr. KIRCHER. Are you talking about from the Department of Justice to the House?

Mr. PRICE. That is what he is talking about here, yes.

Mr. KIRCHER. I am not aware of that, and that is way beyond the scope of my responsibilities. I don't know if that is going to happen. I assume if it was going to happen, it would happen in the course of the appropriations.

Mr. PRICE. Whether it has happened or whether it will happen in the future or whether it is just a hypothetical, in the meantime, you will be spending the money, is that not correct? Your office will be spending the money.

Mr. KIRCHER. Well, yes.

Mr. PRICE. This is money that maybe somebody has an idea somewhere where it is going to come from, but it is certainly not in hand yet: Is that correct?

Mr. KIRCHER. Well, no, I don't think that is fair. Again, the answers I am giving you are based on my understanding that there has been money appropriated to the House for various resources and that some of that money will be reprogrammed so as to be available to pay the lawyers. Exactly where it will be reprogrammed from and to, I do not know. In other words, I don't know whether it will end up in a fund with OGC at the top of it, the Office of General Counsel, or whether it will be in a fund with the Committee on House Administration at the top of it or the CAO at the top of it. I don't know where the money will end up. But it is my understanding and I have been led to believe that the money will be available to pay the lawyer fees when they begin to send the bills.

Mr. HONDA. Will the gentleman yield?

ZERO-BASED BUDGETING

Mr. CRENSHAW. Your time has expired. Let us go for another round and you all can pursue that. Mr. Strodel, you mentioned in your testimony zero-based budgeting. That is a concept that has been around—it is a good way to exercise fiscal discipline, and I am just curious, how did that work as you approached your spending from that? Because that is something that probably other people could learn about. I am sure there are some difficulties involved. Please talk a little bit about how you went through that process trying to implement a zero-based budgeting process.

Mr. STRODEL. Yes, sir. As you mentioned, it is a concept that has been around for some time. But it is one that has advantages in terms of fiscal discipline. Instead of taking last year's request and adding a percentage, you start with zero and you justify your programs, projects and activities. For our organization, as we talked about earlier, there is a lot. It is a wide range of services. So it is an opportunity to revisit as well the efficacy of a particular program, project or activity.

But it involves internal management, developing a team within each area that meets on a regular basis. There are milestones that they are trying to achieve to determine whether this particular program, project or activity is still viable. It has added an additional management requirement internal to CAO, but it is well worth the exercise. And to the extent we can find efficiencies and savings, that is what we have to do.

Mr. CRENSHAW. Is that the way that you put together your budget this year? Did you actually go through that from a zero base?

Mr. STRODEL. In a modified way, Mr. Chairman, because we were operating based on the CRs and the way the budget has evolved this year. So absolutely we are doing it for 2013, but we thought we could capture information related to 2012 as well. So we are moving at a more truncated pace than we would like to. However my intention going forward is to do so.

Mr. CRENSHAW. And you found that it does in fact help you weed out duplication, helps you streamline. It helps you understand, as you started out your testimony going back to those core issues as you start at the very beginning, it really helps you go back to the basics. Is that true?

Mr. STRODEL. Yes, sir. Absolutely.

Mr. CRENSHAW. Did you find it more difficult than maybe the normal process of just taking last year's budget? It probably involves a little more work I would imagine, but you would say it is worth the effort?

Mr. STRODEL. Yes, I would and it does involve more work and the professionals that I work with within CAO, they are versatile; and enthusiastic about their jobs. They come here to work not as a job but for public service and they love working for the House of Representatives. There is an esprit de corps about how we do our job. So the approach has been in a positive way to look back and say, why do we do this? What is yielded from it? Is somebody else doing it? Is another element doing it? Can we find some duplication to reduce? So it is a management tool that is well worth it.

Mr. CRENSHAW. Would probably recommend it to other people? Even though it involves more work, it is a good exercise to go through from time to time, would you probably say?

Mr. STRODEL. Yes. And I believe my counterparts are doing that as well.

Mr. CRENSHAW. Great. Thank you very much.

Mr. Honda.

DEFENSE OF MARRIAGE ACT

Mr. HONDA. Thank you, Mr. Chairman.

Mr. Kircher, I am on the Commerce, Justice, Science Subcommittee on Appropriations. You mentioned that the funds will be appropriated through that process, the funds for covering the contract with——

Mr. KIRCHER. I think what I said was—we are talking about moneys that have been appropriated for the House and are simply being reprogrammed for another purpose, something which I understand happens on a regular and ongoing basis in the House.

Mr. HONDA. So reprogramming appropriations still has to take committee action or subcommittee action first, does it not?

Mr. KIRCHER. I do not know how the reprogramming process works. I understand that it goes through the Appropriations Committee. I don't know specifically how that process works.

Mr. HONDA. It would seem that it would be an appropriate pathway. I sit on the subcommittee, and maybe I missed it. But I haven't—I don't remember ever attending a subcommittee meeting on this item. So I would imagine that if that is the case, one, we would have been notified; two, if that is the intent, we should be notified so that we can have that debate; and, three, the contract was signed. Now, that is a legal document, and we are committed to it. And so someone is liable for that for $500,000.

Mr. KIRCHER. Yes.

Mr. HONDA. It doesn't seem like it is your office, although you signed it.

Mr. KIRCHER. I did sign it.

Mr. HONDA. And who else signed it?

Mr. KIRCHER. Well, Mr. Clement signed it, obviously, and the chairman of the Committee of House Administration approved it.

Mr. HONDA. They signed it?

Mr. KIRCHER. Yes, Mr. Lungren signed it.

Mr. HONDA. Did that take committee action also?

Mr. KIRCHER. I do not know how the committee handled that. I do not know how CHA handled that process.

Mr. HONDA. So the chair of the authorizing committee signed it along with yours and the——

Mr. KIRCHER. The attorney.

Mr. HONDA. The attorney.

Mr. KIRCHER. I have a copy of the retainer if you would like to see it.

Mr. HONDA. That would be helpful.

Mr. KIRCHER. Can I——

Mr. HONDA. No. I can get it later. And again, refreshing my memory, the CAO still doesn't know what the process—where that process is right now?

Mr. STRODEL. As far as I know, sir, our office, the CAO's office has not received a request for reprogramming or other document.

Mr. HONDA. Or has any knowledge of the proceedings that we just discussed? This is all new stuff?

Mr. STRODEL. Yes, sir, that is correct.

Mr. HONDA. It is new to me. I am just following—and trust me. It is uncomfortable for me to ask these kinds of questions.

Mr. KIRCHER. It is quite alright.

Mr. HONDA. But it is something that——

Mr. KIRCHER. I will do the best I can to answer them for you.

Mr. HONDA. You are doing fine. Thank you very much.

Thank you, Mr. Chairman.

Mr. CRENSHAW. I don't have any more questions. Mr. Honda do you have any further questions?

SUSTAINABILITY PROGRAM

Mr. HONDA. Well, getting back to sustainability—I would like to see the paperwork as far as the sustainability versus the amount of money that we saved. It seems to me that if we have been saving money, that funds should be passed on to the consumers, our staffers, our Members who patronize the cafeteria.

I disagree that in terms of sustainability that transferring over to Styrofoam from compostables is the smart move in terms of the larger picture. And so what I am hearing is that the extra cost comes from the hauling of compostables to another site and that is cost on top of hauling trash and garbage and wet garbage and everything else from our site to another site; is that correct?

Mr. STRODEL. Yes, it is. And if I could elaborate a little bit, there are two costs associated with the compostable serviceware program: One is the serviceware itself that the vendor provided, which the cost they incurred reduced the payment to the House from their gross receipts. The other cost was for the hauling of the compostable serviceware. This was a contract between CAO and a specific hauler who would take it to a compostable facility, if that helps to clarify. The totals of those equalled a little over $650,000 in 2008; and in 2009 and 2010, somewhere between $450,000 and $500,000. Those were the specifics related to the programs. The Architect has the larger campus-wide responsibility for recycling and trash removal; and their hauling was not to a compostable facility.

But that is where a little bit of an overlap occurred in terms of what CAO was doing versus AOC.

Mr. HONDA. Did folks get together to try to figure out how you bring these two activities together to reduce the cost? That is one.

Two, by whose direction did we change this practice? Was it the negotiations or were they directed—did we just renegotiate another contract and say this is the way we want it and the contractors complied?

Mr. STRODEL. If I understand it, the coordination of what the Architect does or has been doing versus this particular serviceware and the compostable program is separate. I don't want to speak too much for them, but they have a campus-wide focus. They had contracts in place before this initiative and to this day. I believe they are working with this committee and House Administration on future opportunities to recycle or go to a waste energy type model. Within the House community itself, the decision was made in 2007 to ask the vendor to provide compostable serviceware.

It had to go to a compostable facility to effect its purpose. There was some discussion with AOC, and there is a partnership between our offices that focused on sustainability. But we were a smaller player in the larger campus decision making process.

Mr. HONDA. Well, my question was, did we renegotiate it, and was it our action rather than the contract? Because it seems to me a contractor would be perfectly happy to keep it the way they were. So did we make that decision, or did they?

Mr. STRODEL. Yes, we made that decision. The two components of the costs were the hauling of the compostable material and the serviceware. The hauling contract expired, and the question arose, in this budget environment, is there a better way to have serviceware in place that does not cost the House money. So that was a driver for the decision making, the end of the contract and then the budget environment.

Mr. HONDA. The $500,000 or $400,000, that is over and above our normal charge? That is in addition because of that one particular activity?

Mr. STRODEL. It was a cost that was incurred to do the compostable serviceware program. The fee received by the House was offset or reduced by using the compostable serviceware. Less money came into the House to operate the program. Based on an Inspector General report about the efficacy of this particular program, the concern was in the end, the energy savings wasn't what was intended.

Mr. HONDA. Energy savings to the Capitol?

Mr. STRODEL. Yes, as an initiative of sustainability, this wasn't cost-effective.

Mr. HONDA. But sustainability and the greening were part of a larger carbon footprint, are we not, so it seems like maybe the Inspector General was very focused on his conclusions, and it would have been good to have a little bit more discussion on that. But this change was initiated by us, not by the contractor. Did we try to work with the contractor to renegotiate for them to absorb—in order for them to continue business with us?

Mr. STRODEL. Yes, discussions took place with the vendor. There are many versions of serviceware with costs associated to them, from full compostability to standard serviceware, and, the most cost-effective is their standard serviceware, which is not an additional cost to the House. Therefore, a decision was made to use the standard vendor serviceware at no additional cost.

Mr. HONDA. When is the contract up?

Mr. STRODEL. The overall contract with Restaurant Associates as the current food service vendor is approximately 3.5 years into its first 7-year option. So it is a 21-year contract with three 7-year option periods.

Mr. HONDA. You have to negotiate this every year?

Mr. STRODEL. Pardon?

Mr. HONDA. With the ability to renegotiate every year?

Mr. STRODEL. No. It is a 7-year contract. Price changes are subject to consideration and may or may not happen. But the contract itself is not.

Mr. HONDA. I suggest that we initiate that price change considering the savings that have been incurred and pass that on to our customers and let us make it known that we have done that on behalf of the consumers if that happens.

Mr. CRENSHAW. Thank you, Mr. Honda.

And thank you all for being here today. Thank you for the service that you and your colleagues provide to the House.

This meeting stands in recess subject to call of the chair.

[Additional questions submitted for the record by Ranking Member Honda follow:]

FY 2012 House of Representatives Budget Hearing

May 12, 2011 at 10:00 AM

HC-5 Capitol

Questions for the Record

Ranking Member Honda Questions

Evacuation/Sergeant At Arms

Question: Is there a system in place today to evacuate the Capitol and the House Office Buildings using real time data that can be utilized by emergency personnel?

ANSWER: The fire alarm system is the primary notification system used to evacuate the Capitol and House Office Buildings. In addition, the public address system, wireless emergency annunciator, email and USCP officers are used to notify occupants of an evacuation. During an evacuation, emergency personnel have access to real time data from various cameras installed throughout the buildings. In addition, the Incident Command Post (ICP), who is the focus for the conduct of direct, on-scene control of tactical operations, maintains situational awareness through communications with all emergency personnel.

Question: Who is ultimately responsible for evacuation planning and response of the Capitol and the House Office Buildings?

ANSWER: Evacuation planning implements an all-hazards approach that is led by the United States Capitol Police Board and requires the coordination and input of many organizations. The United States Capitol Police are the lead for emergency response of the Capitol and House Office Buildings

Question: Have evacuation plans been fully developed for the House? Are they available for me or any other Member to review?

ANSWER: Yes, all employing offices in Congress are required by the Congressional Accountability Act of 1995 to have an emergency plan. Each office has been provided an Office Emergency Plan (OEP) by the Sergeant at Arms Office of Emergency Management that facilitates and organizes actions taken during emergencies. The OEP was reviewed and approved by the Office of Compliance. The purpose of the OEP is to provide direction and guidance to provide for the safety and security of occupants in the event of any emergency, including evacuations. The OEP is available for any Member to review

Historian Reorganization

Question: The House's budget moves $427,000 from the Office of the Historian to the Clerk's budget to support a reorganization of the Historian's staff. The Office of the Historian retains $170,000, presumably for the Historian's salary and expenses. Why is the history staff moving to the Clerk's Office and not the Office of the Historian? Who will direct the staff - the Historian or the Clerk? After this reorganization will their still be two separate entities, an Office of the Historian and an Office of History and Preservation?

ANSWER: The Historian's staff will be placed under the budgetary and administrative umbrella of the Clerk's organization; though the Historian, as a Speaker appointee, will direct and supervise the staff. The Historian's staff positions will be housed under the Clerk (as HEPCA employees) in a department titled "Office of the Historian Staff"—in a manner analogous to the staff of the Chaplain's Office. The Clerk's budget will provide the salaries for the staff; the Clerk's Office also will provide the administrative support for the staff (principally, but not limited to, computers and technology, print and web publication design, budget planning, travel and training, subscriptions, and personnel resources). For budgetary purposes and to remain in compliance with House Rules (Rule 2, Section 7), the Historian remains a distinct entity whose salary and travel expenses ($170,000) would remain under the heading "Office of the Historian." The archival and curatorial functions of the former Office of History and Preservation—which were reorganized in December 2010 as the Office of Art and Archives—remain under the Clerk, in compliance with House Rule VII.

Such an arrangement allows the Historian and the Historian's staff to formulate and execute projects under the Historian's initiative, using the combined intellectual resources of both former history functions with greater economy of effort. Partnering with the professional and nonpartisan Clerk's organization also offers the stability and continuity requisite for Office of the Historian staff to develop a sustained institutional history knowledge base. Finally, such a model would fulfill the recommendations outlined by the Speaker-appointed committee of historians who recommended that in merging the House's two distinct history offices that the "enlarged House Historian's office should be located in the Clerk's office. Though the House Historian should be appointed by the Speaker (as before), budgetary and administrative oversight should be assigned to the Clerk." Further, this follows the intent expressed in the House Leadership's statement at the time of the appointment of the new House Historian in October 2010, that the combined office "be located within the Office of the Clerk . . . a model which has proven very successful in the Senate."

House Inspector General

Question: According to the IG's testimony, the office issued 19 reports and other products. I am sure that your offices work would be helpful to the Legislative Branch Appropriations Subcommittee in carrying out its financial oversight role. Is there a statutory or rule restriction that prevents the IG from sharing reports with the Appropriations Committee or allowing the Appropriations Committee to make a request of the IG to do work?

ANSWER: Clause 6 of House Rule II establishes the Office of Inspector General (OIG) and defines the authority, duties, and responsibilities of the Office. Pursuant to the rule, following the appointment by the Speaker and joint House Leadership, the Inspector General (IG) serves at the policy direction and under the oversight of the Committee on House Administration to perform only the following functions: 1) audit, investigate, and advise the House and joint entities in a manner consistent with government-wide standards, and 2) inform House officers and officials subjected to audits of the results along with suggestions for curing any problems. With but one exception, the rule directs the IG to report findings also to the Speaker, joint leadership, and the Chairman and Ranking Minority Member of the Committee on House Administration. Where the IG finds evidence of possible violations of House rules or applicable state or federal law related to the performance of official duties, House Rule II requires the IG to provide the evidence also to the House Ethics Committee.

The IG can conceive of circumstances where OIG audits and investigations, or related work, might be relevant to the work of other House committees. As such, the IG would certainly be willing to provide appropriate information to other committees (including OIG audit reports and other products), or to undertake audits or other work at the suggestion of other committees, with the approval of the Chairman and Ranking Minority Member of the Committee on House Administration to ensure that the OIG remains in compliance with House Rule II.

CAO Hearing Room Renovations

Question: The Budget includes a request of $1 million for Hearing Room renovations. How much remains unobligated for renovations from previous appropriations, including FY 11?

ANSWER: As of 5/9/11, the available balance is $5.998m. This amount includes $4.998m of prior no year carry forward and $1m of FY 11 no year funding.

The carry forward balance consists of $2.4m for room renovations and $2.5m for replacement of media equipment if broken (costs could be $1m).

CAO Initiatives

Question: The request for the CAO includes $6.166 million for "Strategic Initiatives/CAO Wide projects". Please provide details on projects that would be funded.

ANSWER: This item is made up of 2 categories:

ATLAS/PeopleSoft - $3.937m

- Replaced 15 year old financial system FFS
- PeopleSoft is an enterprise system
    - Provides additional functionality and enhancements; greater internal controls and efficiencies.
    - Reduced legacy, standalone systems (e.g., Procurement Desktop, Fixed Asset and Inventory Management System) now integrated within PeopleSoft.
    - Rolling out a pilot to provide functionality to House offices to view budget, purchasing and spending information.

- Future capabilities for House offices include ability to input voucher and expense reimbursement directly into PeopleSoft.

Other Projects - $2.229m

- This amount includes items for Telecommunications upgrades to Longworth phone infrastructure, Microsoft Exchange 2010 upgrade (initial planning), Internal Controls program, and Voucher/Document Scanning.

CAO House Compensation Study

Question: In 2009 and 2010, the House undertook Compensation Studies that looked at diversity among other topics. The results were troubling, especially in senior positions such as Chief of Staff, as they were not representative of the Country's diversity. Will there be a Compensation Study in 2011? Is the House undertaking any diversity initiatives? What is the status of the resume database conceived under the diversity initiative announced in October 2010?

ANSWER: Compensation Studies are not necessarily completed annually. The CAO's office has contracted for studies, at an approximate cost each time of $120,000, in 2004, 2006, 2009 and 2010. Given current budget constraints and that a study was completed last year, we do not intend to fund another study this year.

The diversity resume bank is not the CAO's initiative. It was launched by the former Speaker on December 20, 2010. Since that time it has been maintained by the minority staff of the Committee on House Administration and they may have the information you seek.

CAO, Clerk, and Sergeant At Arms Diversity

Question: Please provide an update on any efforts you have implemented or plan to implement to increase diversity in your offices? Please delineate efforts undertaken in upper management, middle management, supervisory, and non-management/technical positions.

ANSWER:

Office of the Chief Administrative Officer Response:

This Office is implementing a training and awareness program for CAO leaders and supervisory personnel. The objective of the training is to increase diversity management competencies in the areas of business and performance management, effective communication, developing and retaining talent, and increasing employee engagement. This initial effort will be followed by additional leadership management training and diversity and inclusion outreach efforts targeting non-supervisory personnel.

In addition, employment in the Office of the CAO is regulated, in part, by the *Personnel Policies & Procedures for the House Officers & Inspector General* ("the Officers' policy"). The personnel policies affirmatively establish and set forth policies designed to ensure a diverse workforce. All employees in the Office of the CAO receive a copy of these policies.

Office of the Clerk Response:

The Office of the Clerk is an equal opportunity employer with a talented and diverse workforce. The Office adheres to anti-discrimination, anti-harassment, and open door policies that cultivate a welcoming work environment for all employees in all positions and levels of management regardless of race, color, religion, sex, national origin, disability, military status, age, or any other factor covered by the Congressional Accountability Act. In addition, the Office adheres to clause 9 of Rule XXIII of the Rules of the House, prohibiting, among other factors, discrimination against an individual based on marital or parental status. By adopting and implementing these policies, the Office is able to attract and retain a diverse workforce.

The Office makes training of its diverse workforce a priority in order to provide employees at all levels opportunities to improve their skills, succeed in their jobs, and potentially position themselves for the possibility of advancement within the Office organization. In addition to its anti-discrimination, anti-harassment, and open door policies, the Office has also adopted additional policies to retain its diverse workforce, including a religious observance leave policy, an office holiday policy, and other employee benefit policies.

Managers within the Office are expected to lead by example in maintaining a welcoming environment for all employees. The Office has adopted a "Statement of Equal Employment Opportunity" included in the Office's *Personnel Policies and Procedures Manual* and provided to all employees in which the House Officers and Inspector General commit themselves to diversity and fair employment practices.

Office of the Sergeant at Arms Response:

The Office of the Sergeant at Arms ("SAA") is subject to House Rules and statutes mandating employment practices that lead to a diverse workforce. In addition, the SAA utilizes policies and employment practices to comply with these mandates to ensure diversity at all levels of the SAA. My office has reviewed the GAO report entitled "Diversity Management, Expert-Identified Leading Practices and Agency Examples", GAO-05-90, January 2005 to evaluate the current policies and practices of the Office of the Sergeant at Arms against GAO identified best practices.

In addition, employment in the Office of the Sergeant at Arms is regulated, in part, by the *Personnel Policies & Procedures for the House Officers & Inspector General* ("the Officers' policy"). The personnel policies affirmatively establish and set forth policies designed to ensure a diverse workforce. All employees in the Office of the Sergeant at Arms receive a copy of these policies.

The Officers' policy contains policies that work to encourage diversity at all levels of the organization. Among these policies are:

- The Open Door Policy that allows employees to discuss job related concerns with supervisors and to provide a mechanism for complaints of violations of the anti-discrimination policy.

- A Confidentiality Policy that allows employees to raise concerns without fear of reprisals.

- An Employee Performance Evaluation Policy which objectively measures employee performance based on individuals position description and bases awards and merit increases on the objective criteria.

- A Religious Observance Leave Policy that allows supervisors to grant administrative leave for religious observance that is not covered by federal holidays.

- A Military Leave Policy that sets out the rights of those individuals that serve in the military reserve or are called to active duty.

- An Alternative Work Schedule Policy that enables employees to alter their work schedules to better fit personal needs and help balance work, personal and family responsibilities.

- An Organization and Employee Development Policy that allows employees to attend training approved and paid for by the office that allows employees to develop and become more valuable to the House.

- A Conflict and Dispute Resolution Policy that assists employees in overcoming conflict in a constructive manner.

- An Ethics Policy to guide employee behaviors to avoid violations of the various statutes, policies and rules that apply.

- New VEOA requirements mandate that the SAA hire veterans for certain SAA positions.
- The policy that greatly assists the Officers in ensuring that the workforce is diverse are those that directly impact position vacancies and the posting of those vacancies. (Recruitment and the process of attracting a supply of qualified and diverse applicants was also identified as a best practice.) While the Officers' policy does allow for the Sergeant at Arms to determine specific policies regarding vacancy announcements for their staff, if a vacancy is to be posted, then the vacancy must be posted on the CAO's website, the House public website and/or USAJOBS. The requirement that vacancies be posted on public websites greatly expands the pool of applicants for all job openings. Vacancies that are posted to the internet allow for potential applicants to come from all areas of the country and with all varieties of background.

- It is the practice of the Office of the Sergeant at Arms to review all resumes to determine which candidates meet the requirements of the position. The resumes are further narrowed to those that best meet the criteria of the position being filled. At that point, the interview process occurs. During this phase, all of the candidates are interviewed by the same panel of individuals and asked the identical questions so that all of the employees are evaluated on an even basis. This provides the Office of the Sergeant at Arms the ability to diversify its workforce and get the best candidate for the position.

- GAO identified that top leadership needs to set forth a vision for diversity communicated throughout the organization. Included in the Officers' policy is a statement of Equal Opportunity. In pertinent part it states:

-" . . . The Officers and the Inspector General believe that a well-managed and diverse work force expands our base of knowledge, skills and cross-cultural understanding, which, in turn, enables us to understand, relate and respond to the vast and varying needs of the House of Representatives as a whole. The Officers and Inspector General are, therefore, committed to diversity and fair employment practices as reflected in their Equal Employment Opportunity Policy."

- The Equal Employment Opportunity Policy, referenced above, affirmatively states that the Officers do not discriminate on the basis of an individual's race, color, religion, sex, national origin, disability, military status, age, or any other factor prohibited by the Congressional Accountability Act or other applicable federal laws. This commitment to equal opportunity extends to hiring, discharge, promotion, pay, benefits, reassignment, and other personnel decisions affecting the terms, conditions and privileges of employment. This policy also covers requests for reasonable accommodations so an employee can perform the essential functions of his or her job and prohibits retaliation against those employees who seek to enforce his or her rights or assists another in protecting their rights. A policy that does not have an enforcement mechanism or sanctions for violations of the policy is ineffective and is mere words. The Officers' policy specifically subjects an employee who violates the equal employment policy to sanctions up to, and including, termination.

- In addition, HSAA participates with the other House Officers on the House Personnel Policy Working Group. This group works to implement best practices in the human resources field and to standardize the practices between the House Officers. This includes looking to expand the steps that are currently being taken to promote diversity and open employment opportunities at the House.

Sergeant At Arms and CAO - Business Continuity

Question: The budget request transfers $4.5 million from the old Office of Emergency Planning, Preparedness and Operations to the Sergeant at Arms Office of Emergency Management. On the surface it seems that the House should also take a look at the Business Continuity and Disaster Recovery Office (BCDR) which is now a part of the CAO's office. Why is BCDR in the CAO and not the Sergeant's office?

ANSWER:

Office of the Chief Administrative Officer Response:

The SAA is focused on emergency response and the CAO's focus is on providing continuation of CAO services (the main cost is IT related services for Telecommunications and Computers) through a Business Continuity & Disaster Recovery Program (BCDR). The genesis of the BCDR program goes back to October 2001 during the Anthrax incident. The Anthrax threat forced the closure and disruption of services at the Ford and Longworth buildings for approximately three weeks. During this time the CAO's office worked with the GAO and other Agencies to provide services to Members and staff at alternate locations. An after action analysis of the incident led the CAO to initiate the BCDR program with the intent of ensuring the continuation of CAO services should there be a future relocation of Members and staff for any reason. The BCDR program provides the backup systems that are required by the CAO to provide the fail over and quick transition of services to an alternate location.

Office of the Sergeant at Arms Response:

The CAO's BCDR office handles those processes that the CAO conducts on a day to day basis. The resources that the CAO will need to support the House infrastructure in the event of relocation are significant. For example, computers, IT equipment and House network access, telecommunications and other requirements a Member would need to operate their office from a location other than Capitol Hill. The CAO needs a division that can cut across the CAO organization and coordinate the assembly of those CAO resources that would support the overall response. In addition, the CAO organization is best positioned to mobilize CAO personnel to support the necessary CAO support processes in the event of a relocation. Most likely Leadership will rely on each of the House Officer to supply their individual organizations' resources/expertise. In addition, each House Officer organization needs to have their own internal emergency planning function focusing strictly on CAO emergency policies/training/planning, for the CAO this function resides in its BCDR organization. However, the two organizations work in conjunction with the other, as well as the Clerk, to ensure the smoothest transition possible during an event.

Office of Legislative Counsel Internships

Question: The Office of Legislative Counsel appears to be a prime candidate to provide clerkships and internships to recent law school graduates and law students. It would provide them with unparalleled experience. Does OLC have such a program? If not have you looked at starting such a program?

ANSWER: We do have a summer/spring internship program that we use for identifying and considering individuals entering their last year of law school for future, permanent employment in the office. We have found this to be more valuable than traditional 3rd year law school-based interviews in acquainting law students with what we do and in screening them to better ensure retention once they are hired. We spend considerable resources on attorney training and it is very inefficient to hire and train people over a 2-year period to find out that they did not understand the nature of our work or are unable to function well in our legislative environment.

We have in the past tried to use "externs" from law schools for limited periods and found this not to serve the needs of our office or the House of Representatives for several reasons. The primary issue is resources: interns require space to sit, computers and other IT support, potentially stipends (which we have used for summer associates, but need not be the case in a fully volunteer program), and, most importantly, the time of more experienced attorneys to supervise their internship. We already devote significant resources to a 2-year training program for new attorneys and would not want an internship program to detract from the critical work of training new attorneys. Any such internship program would require a process for screening applicants, which we have found from our summer/spring internship program to be quite time consuming. There also is the issue of maintaining client confidentiality for our transient individuals who are not employees or who do not otherwise have a firm commitment to our office; this issue could, on the surface, be responded to through the execution of an appropriate confidentiality agreement. Also, unlike other internship programs, because of the unique nature of our work, it is difficult for an intern to have learned enough in law school (or prior work) or to learn enough in the short period of such an internship to make a meaningful contribution to the work of our office.

Notwithstanding these considerations, we have been approached multiple times by individuals and law schools concerning such a program. If the House believes that this is a worthwhile endeavor, taking into account the resources issue we have raised, we would be willing to explore such a program further.

As an aside, our office is beginning a program of educating Hill staff about our office and about the legislative drafting process. We have begun this with committee staff and hope to expand it to cover other Hill staff. Although not an internship program as such, we believe this will provide a larger number of individuals with a greater knowledge and appreciation of the drafting process and how our office functions within that process. Also note that attorneys in the office do teach courses on legislative drafting and analysis in a number of area law schools and graduate programs. These are typically night courses that sometimes are available for individuals not enrolled in a full-time law curriculum.

THURSDAY, JUNE 2, 2011.

U.S. CAPITOL POLICE

WITNESS

PHILLIP D. MORSE, SR., CHIEF OF POLICE, UNITED STATES CAPITOL POLICE

STATEMENT OF CHAIRMAN ANDER CRENSHAW

Mr. CRENSHAW. Today we are going to hear testimony on the fiscal year 2012 budget request for the United States Capitol Police. I want to welcome Chief Phil Morse, the Chief of the Police, along with Chief Dan Nichols and Mr. Braddock, correct?

Mr. BRADDOCK. Correct.

Mr. CRENSHAW. The request this year is for $387.6 million. That is an increase of $47.5 million, or 14 percent, over the fiscal year 2011, which is $340 million. I think everybody in the room knows that we are operating under some pretty difficult financial restraints. Our subcommittee has been given an allocation that is going to require that we spend $227 million less than we spent last year, which is about a 6.38 percent reduction. So these are tough times, and we are all going to have to go through this together.

My philosophy, as I have said before, is to thoroughly review each and every item of the budgets that come before this subcommittee, and determine what we can afford and what we can't afford, what we need and what we want. Sometimes those are tough decisions. And I think we all know that just spending more money doesn't necessarily mean that we are going to be more secure. It doesn't necessarily translate into better security.

We are trying to balance fiscal responsibility and security, that is what we are trying to do, and that is why we are here today, to hear from you all. And I don't think those objectives are mutually exclusive. So as we begin, I want everybody to keep in mind that we all know government needs money to provide services, but right now we are going through a difficult time as a Nation to say, we need something even more than money, we need some discipline to kind of rein in spending. We need courage as Members to make tough decisions, and I think we have got to make sure what we are trying to do is to make sure every agency that we deal with does everything they are supposed to do, and they do it more efficiently and more effectively than they have done it before. So that is what we are going to talk about this morning.

OPENING STATEMENT OF MR. HONDA

Mr. Honda, do you have something you would like to say?

Mr. HONDA. Yes. Thank you, Mr. Chairman.

And I want to thank Chief Morse for your insight at the subcommittee we had last week. It was clear from that meeting that you have scrubbed your budget and anticipated tough budgetary constraints at that time. However, some of the fiscal year 2010 budget mistakes by your Department left this subcommittee with a big hole to fill in fiscal years 2011 and beyond, which is why the Capitol Police was the only legislative branch agency to receive an increase in the fiscal year 2011 continuing resolution.

The chairman and I came to Congress about the same time, in 2001, 9 months before the September 11 terrorist attacks. And I agree with the chairman that security remains a priority, that we need to keep the officers on board to keep the visitors to the Capitol safe and keep it open to the public. With that said, there are limits to what the subcommittee can do without impacting other agencies, like the House itself, the Government Accountability Office and the Congressional Budget Office. We cannot do our jobs without their contributions too. So I think a little bit more—I guess we will call it—putting a couple more holes in our belts is what will be needed by your agency to ensure that we have a balanced approach to funding the legislative branch.

One of your core responsibilities to provide a safe and secure environment is the evacuation of the Capitol and the House and Senate Office Buildings. I am concerned that flaws remain and that adequate plans and systems are really not in place as of yet.

Since joining the subcommittee, it has become apparent to me that one major issue is the lack of a singular point person. The House and Senate Sergeant at Arms are the point people for their respective bodies; however, most people look to the U.S. Capitol Police as the lead. So I need to know, where does the buck stop? And maybe you can help us today to figure out who is in charge.

I look forward to your testimony, and I also want to set it up so that some of the questions that we will be asking will be about some systems that we want to have in place relative to moving our people through our buildings safely in a time of emergency, a time of evacuation. Perhaps that could be embedded in our 2012 budget impacts.

Thank you, Mr. Chairman.

Mr. CRENSHAW. Thank you.

STATEMENT OF CHIEF PHILLIP D. MORSE

Mr. CRENSHAW. Chief, your statement will be submitted for the record. But if you would like to summarize that or make whatever remarks you would like to make, please, we look forward to hearing it.

Chief MORSE. Well, first of all, I thank you for the opportunity to be here. It is an honor to be here today. I want to thank my Chief Administrative Officer Richard Braddock for the hard work he has done this year, as well as my Assistant Chief Dan Nichols, to my right, and the wonderful work he has done in our operations. I would also like to thank this committee for its unwavering support for the men and women of the United States Capitol Police.

Specifically, I would like to express our appreciation to the committee and the Congress for providing the necessary salaries and general expenses funding for 2011 to support our personnel and our operations. The 2011 appropriation level has allowed the Department to address critical salary requirements as well as the radio modernization in the fiscal year 2011 budget. It has resulted in a reduction of those items from our 2012 budget request.

As I continue, I would like to emphasize that the management team and I are keenly aware of the economic situation our Nation faces today. I understand the responsibility I have to submit a budget request that is not only accurate, but one that is reasonable and based not only on critical requirements necessary to mitigate and address threats and risks. The Department's fiscal year 2012 request, after adjusting for the fiscal year 2011 appropriation levels, totals $380 million and represents an overall increase of 12 percent, or $40 million, over the fiscal year 2011 enacted-with-rescission funding level of $340 million.

To operate within our current budget, we are currently carrying out our mission requirements with 1,775 of our 1,800 sworn positions, the utilization of overtime, a reduced civilian staffing level and with only limited training. We have received funding in 2011 to increase our sworn levels to 1,800 as an authorized strength and to staff the total of 393 of our current civilian authorized strength. But this is partial-year funding for these positions, and we need to be annualized for 2012 in order to maintain this staffing level.

Much of our overall increase allows the Department to operate at our current overall staffing level. With that in mind, our requested 2012 personnel costs support the current authorized staffing levels of 2,243 positions, as well as a request for three new civilian positions for the Office of Inspector General. We are requesting an overall increase for salaries of 8 percent over 2011 enacted funding levels with rescission.

We have been very strategic in the hiring of civilian positions to best align our resources to our needs. In particular, we identified through a position review 22 existing vacant civilian positions for reallocation to meet additional mission requirements, such as the 9 sworn officers needed for the security of the new Federal Office Building 8 and 13 civilian dispatcher positions needed for the Radio Project mirror site requirements.

The Department's current authorized sworn strength does not entirely provide the necessary resources to meet all our mission requirements. Mission requirements in excess of available personnel must be addressed through the use of overtime; identification of efficiencies, such as post realignment or reductions; technology; and cutbacks from the availability of our officers, such as a reduction in the number of hours provided for training.

At current staffing levels, the Department's fiscal year 2012 overtime projection includes support for the 2012 political conventions and pre-Inauguration security planning, support for Library of Congress nonreimbursable events, and overtime necessary to secure multiyear projects for the Dome skirt and utility tunnel projects.

The second area of detail is an overall net increase in our requested general expense budget, which is an overall increase of 29 percent over fiscal year 2011 levels. The majority of the increase request is for new initiatives to address identified threats and risks, and for support of 2012 political conventions and Presidential

Inauguration planning. The increase in the request just for the normal annual needs of the Department, excluding these new initiatives and convention and pre-Inauguration support, is about 5 percent.

Finally, with the direct assistance of the Capitol Police Board, who have provided advisors to assess financial management risks and provide recommended improvements, as well as the oversight and recommendations of the Inspector General, we have the foundation for sound fiscal practices to include sound budget formulation that we are actively implementing and we will continuously seek to improve upon.

In particular, I am pleased to report that we have recently closed all eight audit findings related to the USCP Inspector General's audit of the Department's budget-formulation process. Further, we are working on a resolution of a number of our recommendations in order to achieve efficiency and effectiveness in our administrative programs.

At this time I again would like to say I appreciate the opportunity to testify, and I would be happy to answer any questions you may have.

Mr. CRENSHAW. Well, thank you very much.

[The prepared statement of Chief Phillip Morse follows:]

Testimony of
Phillip D. Morse, Sr.
Chief of Police, United States Capitol Police
before the United States House of Representatives
Committee on Appropriations
Subcommittee on Legislative Branch

June 2, 2011

Chairman Crenshaw, Ranking Member Honda, and Members of the Committee, I am honored to be here today, and I appreciate the opportunity to present the United States Capitol Police budget request for fiscal year 2012.

First, I would like to thank the Committee for its sustained and unwavering support for the men and women of the United States Capitol Police. You and your staffs have continued to generously support both our mission as well as our personnel – not just in a monetary way, but also in private and public recognition of our role and responsibilities. The security and protection of this great institution is not only our job, but we consider it a sacred duty and privilege to serve you, the congressional staff, and the millions of visitors from every corner of the world who come to the United States Capitol complex every year. Due in large part to your support and that of the Capitol Police Board, the Department has had many successes in its continued efforts to become a premier security and law enforcement agency operating under established controls and efficiencies.

Specifically, I would like to express our appreciation to the Committee and the Congress for providing the necessary salaries and general expenses funding for FY 2011 to support our personnel and operations.

This FY 2011 appropriation level has allowed the Department to address critical salaries requirements, as well as Radio Modernization Project needs, in FY 2011, which thus results in a reduction of those items from our FY 2012 budget request.

As I begin my testimony, I would like to emphasize that my management team and I are keenly aware of the economic situation our nation faces today. I understand the responsibility I have to submit a budget request that is not only accurate, but that is reasonable, based on only critical requirements necessary to mitigate and address threats and risks. Our FY adjusted 2012 budget request provides for those critical mission requirements necessary for the Department to address the security of the Congress, so that it may conduct it's Constitutional responsibilities in an open and safe manner without disruption from crime or terrorism.

Our mission-focused request is grounded in the USCP strategic goals that describe our mission and frame our budget planning: 1) assessing the threat to the Capitol community, 2) taking proactive measures to mitigate the threat so as to prevent disruption to the legislative process, 3) responding in the event of a disruption so that Congress can continue to operate, and 4) supporting the USCP's mission through constructive internal business processes and controls that foster effective and efficient mission delivery.

This budget is strong in support of those goals — with modest increases and initiatives to address identified risks and threats — yet it is flexible enough to achieve and maintain solid mission-critical results with efficient use of resources.

The proposed FY 2012 budget will address and mitigate identified security challenges that may potentially affect the safety of the Capitol complex and our ability to keep up with the changing security environment and threat level. In addition, it contains requests for a few new initiatives that provide additional security for the Capitol complex and it provides administrative systems to mitigate audit risks and findings.

The Department's funding levels have grown in recent years, due to requirements set forth to support an expanding mission load. In the last several years, we have merged with the Library of Congress police while absorbing the jurisdiction over Library buildings and grounds, and upon the opening of the Capitol Visitor Center; we assumed additional protection responsibilities for the security operations of this critical addition to the Capitol. We will also be gaining an additional protective responsibility with the opening of the Federal Office Building 8 (FOB8) scheduled to reopen in FY 2012. An additional fiscal dynamic we are managing is our implementation of a complex Radio Modernization Project.

At this time, I would like to offer the Committee an overarching summary of our FY 2012 request. I will follow this summary with a discussion of specific budget items of particular significance to you and the Department.

The Department's fiscal year 2012 request totals $380 million and represents an overall increase of 12 percent, or $40 million over the FY 2011 Enacted with rescission funding level of $340 million.

The first subject area that I would like to provide more detail for is in the area of personnel salaries and overtime.

The Department's FY 2012 personnel request reflects our continuous efforts at all levels of management to effectively manage our existing resources to achieve the best possible balance of staff-to-mission requirements. We are constantly analyzing our workforce to align job functions, assignments, workload, risk management, and organizational readiness along with the ever-changing threat assessments and mandatory mission requirements of a dynamic Congressional community.

To operate within our current budget, we are currently carrying out our mission requirements with 1775 of our 1800 sworn positions, below our authorized 443 civilian positions, and with only limited training. We have received funding in FY 2011 to increase our sworn levels to 1800 at the end of the fiscal year, and to bring on an additional 13 civilians as well, but this partial year funding for these positions will need to be annualized in FY 2012 in order to maintain this staffing strength. Much of our overall increase allows the Department to operate at our current authorized staffing levels.

With regard to our funding request related to personnel, we are requesting an overall increase of 8 percent over the FY 2011 Enacted funding levels with rescission, which includes funding for only three new civilian positions for the Office of the Inspector General. The increase in nine new sworn positions to address the additional operational requirements for FOB 8 is offset by a net reduction of nine civilian positions from within the Department current authorized strength of 443.

Additionally, we have been very strategic in the hiring of civilian positions to best align our resources to our needs. In particular, we identified 22 existing vacant civilian positions based on a position review for repurposing to meet additional mission requirements such as, the nine sworn officers needed for the security of the new FOB8 and 13 civilian dispatcher positions needed for the Radio Project mirror site requirements.

The Department's current authorized sworn strength does not entirely provide the necessary resources to meet all our mission requirements within the established sworn officer utility or the number of work-hours in a year that each officer is available to perform work. This "utility" number is used to determine overall staffing requirements, and balances the utility of available staff with annual salary and overtime funding along with known mission requirements such as post coverage, projected unscheduled events such as demonstrations, late sessions, holiday concerts, et cetera, and unfunded requirements that occur after the budget is enacted, such as unforeseen critical emergency situations.

Thus, mission requirements in excess of available personnel must be addressed through the use of overtime, identification of efficiencies such as post realignment and/or reductions, technology, and cutbacks within the utility, such as reductions in the number of hours provided for training. As a result, our oversight Committees are reviewing such options to offset mission requirements where possible, such as closing lower priority doors, which will reduce the total hours at posts and overtime costs.

With that in mind, our requested FY 2012 personnel costs support the current authorized staffing levels of 2243 positions, as well as a request for 3 new civilian positions for the Office of the Inspector General. This will result in the increase of three personnel (from 2,243 to 2,246), while absorbing the mission requirements associated with FOB 8 security and the dispatch operations.

At current staffing levels, the Department's fiscal year 2012 basic overtime projection of approximately $33.9 million reflects an increase over the $32 million that was provided for in fiscal year 2011 with rescission.

Other requested increases to overtime include an additional $215 thousand in funding to cover Library of Congress' non-reimbursable events, and $2.4 million for overtime necessary to secure multi-year AOC initiatives, to include the Capitol Dome Skirt, and Utility Tunnel projects. These items bring the total FY 2012 overtime request to $36.5 million which is an increase of $4.5 million.

The second area of detail is an overall net increase in our requested general expenses budget, which includes protective travel; hiring, outfitting, and training of new sworn personnel; supplies and equipment; management systems; et cetera. While we are requesting an overall increase of 29 percent over the FY 2011 funding levels, the majority of the increase request is for new initiatives to address identified threats and risks, and for support of the 2012 political conventions and Presidential Inauguration planning. The increase in the request, just for the normal annual needs of the Department, excluding new initiatives, and convention and pre inauguration support, is five (5) percent.

These seven (7) new initiatives include: security and law enforcement services for FOB8; security enhancements for the Alternate Computer Facility; security designs for the utility tunnel system; design and installation of a security program for the Dome Skirt Rehabilitation project; design and installation of security management systems within House and Senate parking garages; software upgrades for the Department's fixed asset system and a Department-wide travel management system. The total funding requested for these new initiatives is $11.8 million.

Finally, we are requesting $3 million in general expense funding to support the 2012 political conventions and pre-inauguration planning.

With your support, the Department continues to successfully perform our operational mission and has achieved several key accomplishments over the last year that have resulted in greater efficiencies for the Department, which include addressing several administrative challenges and improving corresponding business practices.

Operationally, so far this fiscal year, the Department has screened over 3 million visitors to the Capitol Complex; affected over 200 arrests; conducted over 75,000 K-9 sweeps; and screened nearly 6500 vehicles. In FY 2010, the Department screened over 10 million visitors, affected over 700 arrests; and conducted over 160,000 K-9 sweeps. These are just a few examples of the many operational elements that are conducted daily to ensure the success of the Department's core mission.

With the direct assistance of the Capitol Police Board, who provided advisors to assess financial management risks and to provide recommended improvements, we have the foundation for sound fiscal practices that we are actively implementing and will continuously seek to improve upon.

Included in the sound fiscal practices recommended by the Inspector General through his budget formulation audit and the Board's Financial Advisors through their review of our financial management operations are the practices and processes we conducted to create the fiscal year 2012 budget.

The Department re-implemented an improved management and budget planning methodology which we call the "Force Development Process". It provides for a transparent decision-making process, including reviews and approvals by an Investment Review Board made up of key agency management, and provides a structure that is results-driven and based on meeting operational needs. We also formalized a process for program evaluations for selected existing programs, which we plan to expand for the fiscal year 2013 process. In addition, in order to ensure the accuracy of our budget request, this fiscal year 2012 budget went through multiple layers of review and validation by internal and external parties, and is traceable to supporting documentation for each budget element.

Additionally, by transitioning our primary vehicle fleet to a GSA-based fleet leasing program, we now have a consistent five year lifecycle replacement plan, which saves tax-payer dollars over purchasing these primary fleet vehicles, reduces repair costs, gives us a predictable annual funding requirement and allows us to maintain a consistent state of operational readiness. In an effort to take advantage of cross servicing within the Legislative Branch, we also successfully migrated our financial management system to the Library of Congress, which saves the Department not just in annual operational costs, but in future software upgrade costs through economies of scale within the Legislative Branch. Finally, as a result of programmatic efficiencies that enabled the reduction of eleven Hazardous Materials Response Team positions, we were able to use those vacant civilian positions for Security Control Operators to monitor our alarm system which was previously handled by contractors. As a result, the security control positions were filled by utilizing USCP employees previously transferred to the U.S. Department of Labor due to worker's compensation issues. Overall, this transformation allowed the Department to better use available resources to more efficiently achieve an operational requirement by returning employees to productive work, which allowed us to eliminate a $1.2 million dollar contract for the previously contracted-operators and reduce our workers compensation charge backs to the Department of Labor by returning employees to duty.

Further, we continue our work to close audit recommendations and to address our material weaknesses from prior audits by working closely with our Inspector General and the Government Accountability Office (GAO) to address issues which have arisen and by providing the evidence necessary to close findings. In particular, I am pleased to report that we recently closed all eight audit findings related to the USCP Inspector General's audit of the Department's budget formulation process. Further, we are working on the resolution of a number of other recommendations in order to achieve efficiency and effectiveness of our administrative programs. The long-term resolution of recommendations related to internal controls, business processes and material weaknesses remain of the highest importance to our management team.

As I mentioned in the beginning of my testimony, we are well aware of and understand the economic climate that affects our country, the Legislative Branch and the entire federal government, and I want to assure you that the USCP will successfully adapt our resources and continue to safeguard the Congressional community.

I appreciate the opportunity to appear before you today and would be glad to answer any questions you may have at this time.

CAPITOL POLICE MISSION

Mr. CRENSHAW. We will try to observe the 5-minute rule as we go around. And let me start, we have had, I guess, two informal meetings, and I appreciate the time that you have taken to do that. I have to tell you, I have learned an awful lot, an enormous amount, about what you all do and how complicated it is.

We have talked some about the efforts that you have made on the administrative side. We are all talking about being more efficient and doing more with less. And I have heard you talk about that. One thing that I have always wondered about is, when you look at the numbers, starting in 2003, the budget of the Capitol Police has gone up, I think, about 40 percent until now. When you took over in 2006, starting in 2007, it has gone up about 28 percent. So it has gone up every year. I don't know the exact numbers.

But part of that is when we talk, I always hear you talk about mission. I am curious because when we are trying to find cost savings—can you help me help the committee understand what the mission is? Does the mission change? I guess after 9/11, things changed a lot. But some of those increases year to year, are they driven by a change in a mission. Maybe you could talk about how you see the mission. And actually, does somebody set a mission? Help us understand that in this context of how we find cost savings.

Chief MORSE. Well, in my 27 years here at the Capitol Police, I have seen significant change. Obviously I have seen significant change with not only the way the institution runs, but also in security, which has been the most significant.

So when we talk about missions, we talk about the number of assignments associated with running security operations. So the access points for pedestrians, vehicle access points, garages, some of the basics, but we also have additional requirements that have come about because of the need for security enhancement. With the new barrier systems to prevent large vehicles from entering the complex, which are a risk, it takes people, it takes technology, and it takes physical barriers to do so. We have merged with the Library of Congress, so that is a mission increase for the police department. We opened the beautiful CVC, the Capitol Visitor Center, which is not only a welcoming center for the people around the world, but it also makes our complex safer.

So those are some initiatives that have come about with regard to security to make the complex safer which have required the Capitol Police to increase the number of officers, increase the number of—the types of technology that we use, and as that grows, we continue to grow.

What we have done with respect to mission instead of constantly asking for more is we have tried to be as efficient and effective as we can be with what we have, and I think the 2012 budget represents that. We have done a number of things to reduce the amount of money or cost to the taxpayers and at the same time make us more efficient. One is our vehicle fleet, something that did not have a life cycle replacement. We could never replace the fleet that we had over time, and we would have ended up having an outdated fleet that was inoperable, which would adversely affect our ability to control the campus or do other assignments. So with the help of the committee, we went to leasing with GSA, which saved a significant amount of money. It also enabled us to have a refreshed fleet and one that can be sustained over a period of time.

In the 2012 budget, when we were asked to staff for security reasons the new Federal Office Building 8, which would require us 9 new positions, instead of asking the committee to increase our police department, we scrubbed our civilian side and we said, these are positions that we no longer need. We took 9 of the 22 positions that we abolished and reallocated them to our sworn side to use them for security for the building. We are however asking for an increase in salary to pay for that, but we did not increase the size of our force. The remaining 13 we reallocated to use for the opening of our new radio modernization project, where we can staff civilian dispatchers.

Those are things that we have done to show that we constantly scrub our programs.

Another great example of that was we scrubbed a program that was very robust after the anthrax and ricin incidents. Based on the mitigation strategies and technologies that we were currently using, we saw that we could restructure that and meet the current needs while addressing new risks and saved 11 positions. We took those 11 positions and got rid of a very expensive alarm-monitoring contract, using our own employees now where we can supervise for better efficiency and effectiveness in response to alarms, and we looked at our DOL, our Department of Labor workers' compensation list. We brought back officers who could not perform the functions of police officers anymore, but now could perform those civilian duties and responsibilities, which saved us money.

So those are just a few of the things that we have done within our agency to show that we are not about having more, but we are also about scrubbing what we have and utilizing what we have.

DEFINE THE MISSION

Mr. CRENSHAW. During the anthrax, is there some advisory board that helps you define your mission? Or does somebody say, now you have to go deal with anthrax; or, now that we are going to fix up the Dome, that is an expanded mission. Is that something that you all decide or some broader metamorphosis or change in your mission?

Chief MORSE. Well, what we instituted when I became Chief was a business process for everything. We wanted to be able to come to the committee and justify and validate everything that we were doing. So we instituted a business development, a force development process for the agency that is built on the risks that we face. So our budget is directly toward mitigating risk.

Now so what we would do is we do an environmental assessment, what is the intelligence, what are the threats that we face, what are the current operations, what are the gaps, and we look at each one of our bureaus, and we scrub the programs to see if they meet that requirement. If we don't need them anymore, or if we need something new, we put those business cases forward, we review them within our organization, we prioritize them. And then we prioritize them in our budget, and then we turn to our Capitol Police Board who support us in what we do, and we make final decisions with respect to what is most needed within the budget restraints.

Mr. CRENSHAW. And if you had less money you would have to reexamine your mission. You could always say if we didn't have as much money, we couldn't do our mission. But that is something, that could be driven financially, as you say, in terms of priorities. If you have less money, you have got to go back and look, just like you assess them 1 through 10, what is more important than the other, and that would go into your consideration. If, for instance, there wasn't enough money to do everything you would want to do, you would have to say, as much as we would like to do that, we can't.

Chief MORSE. That is correct. And the 2012 budget reflects that. With our new initiatives we believe those are our highest priorities. Those are the things that make us run most efficiently and effectively and the one that mitigates the most risk.

Mr. CRENSHAW. I have got it. Thank you.

Mr. Honda.

Mr. HONDA. Thank you, Mr. Chairman.

BOTTOM-UP INPUT ABOUT CHANGES

Along that line, I guess we talk about mission, mission statements and objectives that we set up. All these things should be observed, and we have to evaluate those. So if that is the case, then when we ask that you add a couple more holes in your belt and tighten up your trimming of the budget, I think that we Members need to know for all those bucks that we don't have, that we are cutting back on, what is it that we are not going to get? People like to know what kind of a bang do we get for the buck. We are asking you to trim the budget. It is going to impact your mission statement, your mission, your objectives and things like that.

We talk about being more efficient and move folks around and reconfigure how people are going to be moving around, and that is going to take some coordination with your own staff, the line staff and everybody else. Do you get feedback from the line staff in terms of, "this is what we have to do, folks?" Do you have any ideas to bring forward to share with us so that we can sort of reflect what it is that we need to do in a more efficient way, but it is coming from everybody, but not just from the top downward?

ROLE OF CAPITOL POLICE BOARD DURING CHANGES

And then the Board, I would like to know where the Board sits on effecting those plans, coordinating our two houses, whether they are—perhaps we need to have a private discussion on this, but whether our barriers are—how this can be improved, because every once in a while I get frustrated about the coordination or lack of coordination or cooperation. But that concerns me.

ADDRESSING LINES IN THE BUILDINGS

One of the things that constantly keeps coming up—and all of us bear some responsibility—it comes from staff, visitors, and Members alike—that the lines into the House office buildings and the

Capitol, it is constantly a source of irritation and things like that. But this subcommittee has gotten reports from your agency and the Sergeant at Arms, and we have talked about the problem at hearings, yet the lines seem to remain. On the good side, the CVC lines—trees are being planted to provide shade for those who are lined up during the hot days, and that is good. But I constantly get concern about the elderly and the babies who stand out in the line for too long in the sun. And this may sound silly, but have we ever thought about setting up these little misting black tubes, setting out the spray so that it reduces the temperature by 10 degrees? Those don't have to be on constantly, but just—and since this occurs all the time, and we get comments from Members, some of us don't want to wait in line, some of us don't want our staff to wait in line, yet you have a duty to perform. So we put you in a Catch–22. That is not fair.

But I would like to know whether you have a practice of taking a census of each point that appears to have some problems, a census of when these things happen; do you have a need to have more information from Members when we say we will have 20 folks coming through to our office rather than to CVC? Does that information come through? Is there sufficient time? Do you coordinate with the CVC in terms of knowing what groups would come through the building? Because they have a format where people have to register, preregister what they are going to do, blah, blah, blah. Information sharing so that you have real-time information so you can anticipate different surges of—do you know when lobbyists come? Lobby groups, special-interest groups come in droves. And it is their right, and it is their responsibility, and it is their obligation to come. Yet our system is not set up so we can take care of them in a timely manner.

TSA had terrible line problems before, but they have sort of worked out over time how to move people through the lines, but it is still not perfect because we have put them through magnetometers. Are there other ways to coordinate so that you can move staffers, officers to the most high points and increase your staffing so you can move people through while other points are not affected?

So it may require a lot of communication, a lot of planning, preplanning to do that, but it seems to me that that kind of planning, census taking, getting information from different groups, including Members, because if we want to be able to do certain things, then we have a responsibility to share information in a timely manner so that we can move our people through, too. So I want to make sure that we partner with you and not constantly—a point in time that irritated a lot of that will have to be shared responsibility. So I would be interested in what your thoughts are and if you think that this is going to be a necessary step in order to have a plan that is going to be responsive, because our airports have more staff at Easter, Christmas and all those points where people know they will travel. I think we should be able to do that ourselves, too.

Chief MORSE. All right. On the first item, with respect to input from—at all levels, part of our business process is inclusiveness. So everything that we do involves input at the lowest levels and is developed all the way up through the chain of command until it gets into a business case development and then, as reviewed by the higher levels of the police department, are then prioritized.

Mr. HONDA. Let me interrupt you for a second. If I talk to the officers on line, they will say, yeah, we do. Okay. And they are pretty honest. But if they say, we do, but it is through our stewards or through our representative supervisor, that is not really enough because it is not coming right down to the line staff that experiences it on a daily basis. That refinement I would like to know. I hear what you are saying.

Chief MORSE. Well, there are certain projects. For instance, we will actually pull line officers off. But the chain of command is a way to have direct interaction between our sergeants and the officers if there are any problems or issues that can be pushed up through the chain of command. But there are projects in which we utilize them.

Mr. HONDA. This is not about affecting a crime. It is about creating a plan and getting input from the bottom up.

Chief MORSE. Yes, sir. With respect to Board input, when it comes to security, the Capitol Police and the Capitol Police Board, who has oversight with respect to security, will review and assess the information that is provided and make the determination based on what we believe is most important to the safety and security of the campus, with the current or emerging threats that we know of.

Mr. HONDA. Is that meeting run by agenda?

Chief MORSE. Yes. Capitol Police Board meetings are run by agenda.

Mr. HONDA. Minutes are taken?

Chief MORSE. Yes.

Mr. HONDA. Is it public?

Chief MORSE. No, sir.

Mr. HONDA. Okay.

Chief MORSE. The lines in the buildings—and Mr. Crenshaw talked about mission—the lines at buildings are related to mission requirements because we work with them. We use as much efficiency as we possibly can. Lines come and go. So we try to staff them at the level that we can sustain a healthy flow of people throughout the day without exceeding an extraordinary amount of overtime. So we don't have enough officers to staff every single magnetometer post at every single building all the time, nor is it always necessary.

Mr. HONDA. Sir, if I may.

Mr. CRENSHAW. You may want to let Mr. Calvert ask a couple questions.

Mr. HONDA. Just on that point quickly, and then I will wait for the rest to get a response later.

I am not asking that you have staff you can additionally put on. It is not at every point you have security that you need full staffing.

Chief MORSE. Right.

Mr. HONDA. So to be able to know where pressures are, move staff through the day to that.

Chief MORSE. We do that. Yes, sir. We have a response plan, a screening response plan, for each one of our buildings that includes our supervisors, who will respond to doors if they are overwhelmed and staff all the posts in order to alleviate the lines.

Mr. HONDA. It is not respond; respond anticipatory or respond when things happen?

Chief MORSE. It is responsive to when it happens. We get a heavy line, we respond to it and try to clear it.

Mr. HONDA. Thank you, Mr. Chairman.

Mr. CRENSHAW. Thank you.

Mr. Calvert.

POLICE FUNDING

Mr. CALVERT. Thank you, Mr. Chairman.

And, Chief Morse, thank you for taking the time to be here today. I commend you and the men and women of the U.S. Capitol Police, for your dedicated service. For us here in the Congress, the Library of Congress, obviously, the staff, and the millions of visitors we have here every year, you do a commendable job and secure and protect the Congress and the Capitol complex, which allows us here in the United States Congress to be the most open, accessible, and productive legislators in the world. And you are certainly partially responsible for that. So thank you.

Unfortunately, as Chairman Crenshaw has pointed out many times, and many other chairmen of various committees, as we go through this appropriation process here in 2012, we have a funding issue. It is obvious to everyone in the country and the world, we are in a difficult economic environment. It is Congress' responsibility, and specifically this committee's responsibility, to make hard decisions and to exercise spending discipline across the Federal Government so that we can reclaim some fiscal order. And that includes our own activities here in the legislative branch, and, by extension, the Capitol Police is a significant part of that budget. I don't know what percentage of your budget is personnel. Approximately—what is it? I am curious.

Chief MORSE. About 80 percent.

Mr. CALVERT. About 80 percent.

Your fiscal year 2012 budget request states that the Department used a force development process during your fiscal year 2012 budget process. Some of your fellow legislative branch agencies, as you probably are aware, are using a zero-based budgeting process where the agency starts from a zero base on all program projects and activities. It analyzes for its needs and rebuilds that budgeting process every year. I used to do that in my business life.

I know that security is a different world, and certainly the government is a different world, but have you considered using a similar budgeting process as you go through this process—I know it is a very complicated process of putting together your budget.

Chief MORSE. Yes, sir. We used a zero-base for our budget. The force development piece is to ensure that our budget is in direct line with the threats that are out there. So in other words, we are not asking for the want; it is more the need to address the current threats.

So our budget is zero-based. We start at zero, and we build. We either develop new initiatives, or we scrub new initiatives through our environmental assessment, which is threat-based, to determine if the resources that we have are what we still need, or do we need to make it more efficient, or do we need a new piece of technology to take the place of people, or are we missing any gaps in security? So we use zero-base. Our force development is to keep us on track with a threat-based budget.

COORDINATION WITH OTHER LAW ENFORCEMENT AGENCIES

Mr. CALVERT. Okay. One thing that I am curious about as you go through your budgeting process and try to determine how to maintain the best security within the parameters that the budget will allow, there are probably more police or security here in Washington, D.C., than in any city in America. We have the Capitol Police, we have the D.C. Police, we have the Secret Service, and on and on. What kind of coordination or force flexibility, I would call it, is there between these various security forces that you can use that help to optimize the efficiencies of all these various security forces? It seems, you know, you take certain areas of D.C., they are practically tripping over each other, and you wonder what kind of coordination is taking place between these various agencies and various folks that we can optimize them efficiently to use the personnel that we have efficiently without having to continually add more people for more missions. Is there communications with these folks?

Chief MORSE. Yes, sir. There are actually several means of communication that we have with the multiple agencies here in the District of Columbia. As an example, we have liaison officers in most of the primary jurisdictions within the Washington, D.C., area to include intelligence services. So that is one way that we stay connected within their agencies. And another way that we do it is we have agencies who are with us within our command center on a daily basis so there is no overlap in mission requirements. If there are assets and resources that we can share, we, in fact, do, and often do with respect to motorcades, demonstrations and large events.

Mr. CALVERT. The point I am getting at, of course, is there a way to save on your personnel costs? Especially on your overtime costs, as we are looking at that, it is a significant number. I guess there is no predicting when you need to use overtime. But whether or not you can utilize other operations that are taking place, other folks that are in security operations nearby to help out, to help become more efficient, because I have seen and you have or you see a Park Police officer passing a Capitol Police officer or, others, and you wonder if there is any kind of real coordination. Is it just folks doing their job?

Chief MORSE. For our specific mission, there is no cross-utilization, but there are events, demonstrations, and activities in the city where we do cross-utilize, which saves each of us resources. And many times an agency will have a resource that we may not have or vice versa, and that is always communicated, and that is always utilized. And it works very well.

Like I said, we have people embedded in those organizations. They are with us. So that communication is pretty quick and pretty rapid response if needed.

Mr. CALVERT. Thank you.

Thank you, Mr. Chairman.

Mr. CRENSHAW. Thank you Mr. Calvert.

Mr. Bishop.

Mr. BISHOP. Thank you very much, Chairman.

SAFETY IN DISTRICT OFFICES

Chief Morse, let me just say that I commend the Capitol Police for your work around the clock to ensure that the Capitol complex as well as the House and Senate office buildings are safe and secure. You have a tough job, and I commend you for your efforts at doing that.

A longstanding concern of mine has been the safety and security of our district offices and staff. Of course, that was heightened by the recent incident involving our colleague Gabby Giffords. Now it is obvious that it is more vital that we put into place the necessary security measures to make sure that we have an appropriate balance between having our constituents have access to us and having security for them as well as ourselves and our staff.

It seems, however, that the resources that are necessary to make that happen are not being appropriately put in place for the physical security for our district offices, for example. Like everybody else, we are having to tighten our belts in terms of fiscal needs. But at the same time, some priorities I would think would have to be established. Just as you are having to ask for additional funds because of your mission requirements, it would appear that as part of your duties in protecting us in conjunction with the Sergeant at Arms, that we will have to have some additional resources in order to have security for ourselves and our constituents.

Do you recommend that we need to have additional resources so that we can improve the physical security of our offices? I know it is a real challenge, but don't you think that the Congress as an institution needs to address that issue more closely? Should we be asking each Member to pony up out of their Member's representation allowance, or should there be some institutional security funds available for protecting Members and their constituents and staff?

Chief MORSE. Well, first I want to say that the Members of Congress and their staff are very important to us, whether they are here on the Capitol campus or whether they are away from here. And I think that we—especially since the tragic incident in Arizona—have done everything that we can possibly do as an agency to assist you and your staff with means to safeguard yourselves and your offices.

We are continuing to develop ideas and things for you to safeguard yourselves. And I think the House Sergeant at Arms here on the House side—and not to speak as if he is not in the room. He is right behind us here—but Mr. Livingood has spent an extraordinary amount of time and hard work in ensuring that the information is provided to your staff and district offices and that communication is there to achieve success and safety. So with the law enforcement coordinator program, with the ability to send someone very quickly to do an assessment of your district office, and then whether that meets your needs or not, it was a rapid response to do so.

Mr. BISHOP. I appreciate that very much. I think that the assessment was timely, and it needed to be done. But now that we have gotten the assessment reports, invariably they require the expenditure of funds to put in place many of the security measures. Many of them don't require money, they just require good practices. But some of them will require erecting physical barriers and other things like lighting that will require funding.

Chief MORSE. My approach to that, being in the fiscal environment that we are, would be very similar to how the police department and the Capitol Police Board for the safety and security of the campus has to weigh what is the highest priority. In order to do a thorough assessment of your office, the list will be excessive, and our list is excessive, too. But because we can minimize the risk significantly with only one or two, we don't have to do everything. We would all like to be able to do everything, but we simply can't.

So to be more helpful to you, and I think to be more helpful to the district offices, as a part of our assessment or review of those assessments, to perhaps give you a priority: If you had 20 items, which would be the most effective and efficient without draining your fiscal resources. So erecting a fence may be a wonderful idea around your district office, but there may be some less expensive, more quality safety and security things that we could do with your district office that wouldn't cost as much. So we would be happy to offer that as an agency to help prioritize those things.

Mr. BISHOP. I recently received an assessment for my offices, and after some period of consternation with ADT, we did get a good recommendation from the Capitol Police, who actually came down and did the assessment. They did prioritize it as well. But even the number one and the number two priorities often will require expenditures of money when our budgets have been restricted 5 percent as a result of the fiscal constraints that we are under.

Should there be a separate legislative branch line item for security for Members and their constituents that is separate and apart from the Member's representation allowance? In other words, based upon recommendations by your professional staff and the Sergeant at Arms, should there be a fund—a minimal fund, of course—that should be available to upgrade security, such as lighting required in district offices or erecting barriers or doors or window glass in district offices that could be paid for as a security measure as opposed to our MRA?

I would just really like to get some insight and some suggestions from you, because I think that as an institution, we have got to grab this issue and deal with it because of the reality in which we live.

I will save my additional questions for the next round.

Mr. CRENSHAW. So many things were pointed out with those assessments, that pointed to just our sense of common sense about where we locate. I know in our office, we have had that kind of assessment, and it probably makes us think that there are some office spaces more secure than other office space. And I think we all have to take that into consideration. Rather than if we all went out and leased the least secure space, and then somehow expected somebody to come in and fix it all up, it would make more sense to say, let us go find a place that may be more secure to start with.

And I think we will all start thinking about that, that maybe we didn't think about that before this year.

NEW INITIATIVES

Let me ask a question, Chief. When we have these informal conversations, we talked about some new initiatives that are somewhere between $12- and $14 million. Mr. Honda was here. If you had to absorb those new initiatives and you didn't have any additional revenue—how would that impact what you do?

And I would like to even take that one step further and say, if last year you got $340 million, and you ended up with, just hypothetically—3 percent less, which is about $10 million, you would have that much less money. And when you talked about zero-based budgeting, tell us about how you would go through that. If you had $10 million less next year than you had last year, as you kind of plan how you are going to spend that money, how would that impact you? And what would be some of the considerations you have made?

I know you have talked, again, informally about some of the things you all have done from an administrative side. You all have certainly addressed this whole cost containment and cost effectiveness. But tell the subcommittee what impact would that have? It would probably impact your mission. But go through that, if you had absorbed some of the new initiatives that you had asked for, but also you had less money than you had last year.

Chief MORSE. Well, doing the zero-based budgeting and keeping the budget strictly threat-based, a risk-based budget, it makes it very, very tight with respect to when you make cuts and how that adversely affects security. So when we look at what types of savings would be derived from making cuts, they can be significant, but they adversely affect security. So we can defer, for instance, life cycle replacement costs, but what happens is you continuously defer that, eventually you don't have a piece of equipment that is operable. You don't have a piece of equipment to repair it. You don't have a contractor to repair it. Or you have to take it off line. Then that adversely affects accessibility to the buildings, and it adversely affects security. It also sets you up for a long-term larger amount of money, which is something we have tried to avoid. And that is why when I became Chief, we looked at everything that wasn't on a life cycle plan. We looked at vehicles. We looked at technology. We looked at vests, our ballistic vests, and motorcycles, uniforms, all those things; and we got them into a life cycle plan so that we would not have to come and ask for large amounts of money to replace them in our budgets, so that we would incur these costs over a period of time.

So when you cut that deep into the budget, the way we have it designed now, zero-based and threat-based, when you cut that much, you are cutting people, which actually increases the amount of overtime, because if you don't change your mission, you don't reduce your mission, and you cut people, the overtime bill just keeps growing. Or you have to cut physical securities or technologies which are also adverse to security.

So it is very significant. That amount of cut is very, very significant to our budget. It is not to say we can't do it, but there are significant impacts that come with that.

With respect to the new initiatives, we look at these new initiatives as some of which belong to us solely. For instance, the Maximo system upgrade. That is an upgrade to our asset management system. Now, that helps us alleviate an audit finding, a weakness within our agency. But that Maximo could also be used or integrated by other legislative branch agencies. So there is an overall cost savings to the legislative branch. But with respect to our agency, that is something that we would forgo. A travel management system is a solution to an audit item based on a weakness within our agency. That is something we could forgo.

When you look at Dome skirt, you look at utility tunnels, these are necessary restorations that just cannot—they must happen. The infrastructure has degraded to a point or the facilities have degraded to a point where they need to be repaired. But when we get to that point, they also require security. So that is something that we absolutely need to be able to do. And then when you look at garage security, that is a vulnerability. That is risk-based and something that is very necessary.

And then when you look at creating new missions, I guess we all have to be cognizant of that. Every time that we create something new—and this is not to be critical of any of the decisions, because certainly they were good decisions, but when you have mergers, when you have openings of facilities, when you have continuous openings to new facilities, the agency will grow. And any time we grow, that has a tail to it, and that tail could be facilities, it could be people, overtime, salaries, general expenses, and all that has to be weighed in whenever we grow.

So when you talk about cuts, we have to cut that mission, and that would be one of the first things I would do is cut mission. And now that we know what mission is, that means door closures, that means access points for vehicles, that means changing the way that we do business on the Hill. And we are here to try to facilitate that business and make it as orderly and easy as possible for the Congress and the visitors. But security versus mission load, we would cut mission first, not security. I hope that answers the question.

Mr. CRENSHAW. I think that is very helpful. And I think we all recognize, security, it is hard to ever be 100 percent secure. We have talked about that before in all kind of different ways. Even now on the floor, we are doing Homeland Security, so we are dealing with the security of America. And we are doing things differently. There is always the possibility that we are not as secure as we wish we were. And I appreciate you thinking that through and trying to find some balance, because there is this sense of fiscal responsibility on the one hand that there is only so much money, but on the other hand we want to be secure.

But, I guess it is relative in the sense of just how secure we can be. And as long as you are thinking that through in terms of what the mission is, then that is helpful. But you recognize, like we do, that these are times when we don't have the luxury of doing all the things that we might like to do, and we have got to find some balance in there.

Mr. Honda.

Mr. HONDA. Thank you.

EVACUATION PLANS

In my opening comments I talked about security also. And in terms of life safety for our visitors, our staff and our Members, ambulatory and those who are physically challenged, handicapped, I have been trying for a few years now to understand and have a master plan, for lack of a better word, evacuation. But I think it is more than just evacuation, because to have a plan for evacuation, you have to know who is where, how many, what buildings, and have all that data present and be able to watch that in real time and be able to communicate not two ways, but multiple ways in real time so that folks who are responsible for buildings and everything else like that will have immediate information.

So is there a plan for that kind of data and knowledge and function to have the security of knowing who is coming through, and having that number, and understanding in times of evacuation, know how to move people from floor to floor, from exit to exit, and move them in an efficient way in real time? Is there a master plan to do that? Is there a cost to that? And is there a timeline for which you are looking at making sure that these things come into place?

And then who decides on the evacuation protocol, what would it look like? Who decides that? We have you, the Sergeants of the House and the Senate, the Architect. There doesn't seem to be a point of ultimate responsibility unless it is this committee. If it is this committee, then I sure want to know the answer more quickly. But, you know, who is ultimately responsible for that kind of planning and response? And is there ultimately a master plan that has been developed and designed that will do that?

Chief MORSE. Okay. With respect to who is in charge, the Capitol Police and the Capitol Police Board, with their emergency management agencies.

Mr. HONDA. They are ultimately responsible then?

Chief MORSE. I think so. I think we are both. You know, me being an ex officio member of the Board, the Capitol Police Board, with their entities of emergency management. We work collectively together to ensure that we have evacuation plans, and that those evacuation plans and other safeguards are communicated and trained within the Capitol community.

Mr. HONDA. So they are the ones asking for this and ultimately get it and have that master plan for the movement of people in and out of our buildings and for evacuation.

Chief MORSE. Well, I think the plan that we have is one that we have collectively.

With respect to technology, we have looked at technology. We have looked at a way to integrate that into our—if you will, our manual plan. And you know, we could certainly let you see that and, you know, the costs associated with that and how it would be integrated. But right now we emphasize the training to our congressional community, our police officers, and we practice that. And that is where we are right now.

Mr. HONDA. Thank you.

I don't think we have a master plan then. I respectfully disagree, because, one, it doesn't feel like there is someone ultimately responsible for coming up with the costs, ultimately responsible for coming up with the plan. We may have two Houses, and the responsibility is dissipated in a Board or in this committee.

So I would like, if it is a closed-session type of a meeting that we need to have because of security, I think that that is something that we should have, because every year we become more and more not lax, but, you know, vulnerable in thinking that every year we are getting by without major incidents. I want to make sure that we are providing sufficient resources for that to happen. And I guess I am just asking what does that plan look like and what is it going to cost, outside of what the budget that you have, because if we know, if an incident happened and we don't pay for it, then it is our problem.

Chief MORSE. I would be happy in a closed session to show you what that is and give you the costs associated with it.

Mr. HONDA. Thank you, Mr. Chairman.

Mr. CRENSHAW. Thank you.

Mr. Calvert.

Mr. CALVERT. Thank you, Mr. Chairman.

And having this discussion makes me more appreciative of the job that you have, the challenges that you have, and the challenge we have, based on the resources that we are dealing with.

And the discussion was about our district offices. I had an assessment like everyone else, and went through the priorities, and made some commonsense decisions. It didn't cost a lot of money, but I think it significantly improved the security of our district office and just the way we operate, using common sense and going into public forums and utilizing the local police. And I think in most of our districts, our local police forces are very receptive to the fact that—and to accommodate Members of Congress if they are in a large venue to provide security. And so we prioritize.

And I guess I come back here to Washington, D.C. and you are in the same dilemma. You would like to create perfection, but there is no way to create that perfection. If we double your budget, you are still not going to create perfection.

USING TECHNOLOGY TO BENEFIT THE CAPITOL POLICE

We are in, as you know, a couple of wars in the world. I serve on the Defense Appropriations committee with the chairman, and we see these challenges that we have. And unfortunately, that enemy that we are fighting is here also in the United States, and you have to secure yourself against the potential terrorist attack and the rest. And so you have a challenge.

But we need to make sure that we use our personnel as efficiently as possible, because that is where most of your money is. And technology is a wonderful thing nowadays. You know, you go to a Las Vegas casino, and they are probably one of the most secure venues in the world today. Or you go to Disneyland, and you don't think of an amusement park having significant security, but you have probably one of the most secure areas in the world in Disney World in Florida. If you look at the security operations there, it is just phenomenal, because they are concerned in many respects with exactly what you are concerned about, millions of visitors, and they have limited amount of resources that are out there in business to make a profit, but yet they cannot tolerate anything because that affects their business plan.

So I wonder if you get outside help on technology, people that advise, say, those types of operations that handle millions and millions of visitors. They have limited resources because it is based upon how much profit they can derive. They have to put together a certain amount of money aside for security operations, but, yet, there is a concern, as we are, if any of their customers are killed or injured, that can destroy their business. So they are trying to get as close to perfection as they can, based upon the budgets that they are allocated.

And I guess that is what the chairman is asking you. I mean, I know it is a challenging job, but, you know, many of us know a lot of these people that are involved in these business communities, and you may know them also, and in many respects, just out of their patriotic duty, may volunteer to come over and tell you what they do with technology today. It is absolutely amazing what they are doing in some of these venues. It is just striking technology.

So I just put that on the table. And maybe you are already doing that. But certainly that is a way to save on personnel costs is to stay up with the technology that is available out there and be able to look at large groups of people, identify individuals that are suspicious or carrying things they shouldn't be carrying. And if anyplace should be on top of technology, it is us. And it can certainly save you, I think, on personnel costs, especially in the garages and things like that. When you are talking about technology, cameras are cheap nowadays, one-tenth of the cost they were 10 years ago. So I would just put that on the table and hope you are looking at that and ways to save money in the long term.

Chief MORSE. Yeah, if I could, I would like to highlight just one of those examples where technology, and finding technology, a different way to do something, has—will benefit our police department. And with the help of the committee, we were able to be funded and complete the project at the end of this fiscal year, and that is our truck interdiction and monitoring program, where technology with cameras and the ability to control intersections will allow us to reduce the number of people and the number of vehicles that we have for our diversionary and warning systems for deployment of our barrier systems. So it is a great example of reaching out for technology and another security model and bringing it here and safeguarding the campus and at the same time reducing the number of people, vehicles, which equates to gas and maintenance and purchases and all the general expenses. So we are very happy about that. We are also very appreciative of the committee's support with that project.

Mr. CALVERT. Thank you, Mr. Chairman.

Mr. CRENSHAW. Mr. Bishop.

STATUS OF RACE AND GENDER DISCRIMINATION COMPLAINTS

Mr. BISHOP. Thank you very much, Mr. Chairman.

Chief Morse, I understand that the Capitol Police has been and currently is the subject of allegations of racial discrimination and gender discrimination, and that there have been some complaints of reprisals, hostile work environment, and denials of promotions in the upper ranks. Of course, I am, along with a number of Members, very concerned about these allegations.

In 2001, the Blackmon-Malloy case versus the Capitol Police Board involved 250 African American officers who filed a lawsuit alleging discrimination. Just recently, 50 African American officers filed a complaint in April of this year with the Office of Compliance. It is my understanding that that complaint is still pending.

In 2008, the Inspector General pointed out in his assessment that the agency lacked a formal diversity program or an equal employment opportunity function. The IG highlighted that the same office that represents the Department in defending the EEO complaints also determines whether or not the complaint has legal merit once that complaint is filed and reviewed. The IG also recommended separating those two functions back in February 2010. The Department responded by hiring a diversity officer, Mr. Marcus Williams, whose job really was to try to eliminate the barriers to workforce diversity. Less than a year later Mr. Williams resigned, stating that the Capitol Police were not committed to abiding by a meaningful diversity program. The Department says that he left to pursue other opportunities. My understanding, however, is that there has been no replacement for Mr. Williams, and there is no diversity officer.

Can you tell me what the status is in resolving these complaints? I understand some of them were settled, but what the status is of the most recently filed 50 complaints and what the status is of replacing Mr. Marcus Williams as the diversity officer?

Chief MORSE. Sure. First of all, as Chief of Police for the United States Capitol Police, I don't tolerate discrimination, harassment, retaliation at all, nor do our policies reflect that. And we are holding true to that.

With respect to the diversity officer, we have an entry date of July 5 for our new diversity officer.

Mr. BISHOP. You have hired one?

Chief MORSE. Yes, sir. And may I also add, you know, that the idea of a diversity officer was one that we created and are leading the forefront in as an agency here in the legislative branch, so we believe that we should have a program where people can vet their concerns and where we can review and validate everything that we are doing to make sure that it is fair and equitable.

And the Chief of Operations has led us in this effort on the operations side to do exactly that. We look at every selection process that we have. The Chief Administrative Officer looks at every selection process that we have. We have outside vendors who validate and justify these processes to make sure they are fair and equitable. Our promotional processes are done with an outside vendor, one who ensures fairness and equitability.

Mr. BISHOP. How is that reflected through transparency? What were the specific qualities of that person's background that made them suited for the position of diversity officer? Have you already named the person?

Chief MORSE. I haven't publicly named it yet. We are waiting on the entry date. But I think for us, and for me, the person who—

the ultimate decision in hiring her was not only the education, background and experience, but her passion for helping organizations ensure that, you know, there is transparency and that perception issues are addressed. And her passion had to be one that was consistent with my passion, and it is. And to show that we are sincere about this, I thought it was important for her to work directly with me and out of my office to show a partnership and to ensure that people know that we are serious about our programs, we are serious about equality and fairness, and that we don't tolerate discrimination, harassment or retaliation.

Mr. BISHOP. Are there any goals? Because I noted that in 2007, which was the last year for which statistics were available, that 14.3 percent of the Department's executive-level positions were filled with minorities. Governmentwide that number was 16.6 percent. In 2002, no minorities were in the developmental pool, but I noticed that there was some improvement in 2007 so that 22 percent of the positions were filled by minorities.

You have made some progress, but I am very interested in having some kind of reporting to this committee, as well as to have some demonstration of transparency so that the progress can be documented, because I think it is something that, under the Compliance Act, the Congress is obligated to comply with all of the EEO laws. I think that we ought to, as you suggest, be a model. We ought to be the drum major in implementing diversity and equal opportunity. And certainly you, as law enforcement, I think, would be stellar in leading that effort on our part. So we look forward to your continued work on that and some positive reports.

Mr. NICHOLS. If I could just clarify a point.

Mr. Williams is a consummate professional, and we were lucky to have him in our agency. He had a career opportunity to advance his career outside of this agency and took it. The remark that you referred to was attributed to him. It was not a quote by him, and I think it is important that we make that distinction. Thank you.

Mr. CRENSHAW. I have got some questions I will submit for the record. But I don't have any more at this time.

Mr. CRENSHAW. Mr. Honda, do you have any more questions?

BICYCLE THEFT IN THE GARAGES

Mr. HONDA. Yes. A couple of quick ones, and then I will submit the rest of them for the record and response in writing. More recently, I understand there has been some complaints about thefts of bicycles in our garages, and it is a question in my mind is if we have officers at points of access, ingress, egress—I probably know the answer to my question—how is it that these bikes are being stolen from the garages?

And some of the folks would like to take their bikes, with their Member's permission, into their office. So some Members are able to do that because they are Members. But if the Members are willing to have the staff do that, is there a problem with that? And what is the policy on that? Or is that a recent phenomenon that you are looking at in terms of resolving it?

Chief MORSE. Well, first of all, I think that statistically this is not a persistent problem, and this was a spike for a short period of time. And our investigators are working very hard to identify a suspect in these particular thefts. But what I can say is that I don't know the particulars of each case, but in one example the bike wasn't even locked. But also, I know as a person who has worked the street that bike locks can be easily defeated and very stealthfully defeated.

But I think that Capitol Hill is very safe for people to bring their bikes, enjoy their bikes and place them here. And I can tell you that if you are a thief, we will eventually catch up with you, and we will prosecute you.

I remember most recently we had within the last year a theft from an auto situation that was ongoing, and we identified a suspect, and we arrested a suspect, and that person has been recently incarcerated for a long time. But I can also say that he probably should have been incarcerated when we caught him because of his history.

So we work very hard to close these cases, and whenever we see a spike like this, our investigators take a very hard look at it, and we try to close them very quickly.

Mr. HONDA. Are garages by floors covered by cameras?

Chief MORSE. In some cases the bike racks would be within camera view, but that is not the primary goal of the systems, which are to focus on the access point itself. So unless the bike rack or the bike or whatever property is being taken is in that camera zone, then it wouldn't be seen, obviously. But the focus of the cameras are stationary at the access points.

Mr. HONDA. Like doors to the building and beside the garage?

Chief MORSE. Right.

Mr. HONDA. The racks can be placed in those areas?

Chief MORSE. If they could be placed in those areas, which is, you know, an architect's question, or a facilities question, then, you know, that might certainly be one way to see someone take something. But I don't know that—personally know that there is a camera watching them all the time.

Mr. HONDA. Well, I would hope that there would be a recommendation.

By the way, for the record, I support Mr. Bishop's concern about pursuing of diversity and making sure concerns that he has are addressed also.

Mr. CRENSHAW. Mr. Bishop.

PRIORITIES

Mr. BISHOP. Thank you very much, Mr. Chairman.

I don't have a specific question. I just want to make a sort of a closing statement to you. You have requested $387,600,000 for fiscal year 2012, which is an increase of 13.9 percent over the enacted level for fiscal year 2011. You have a tremendous challenge that you are faced with, and as we look at our fiscal challenges, we have to establish some priorities. I believe that the safety and security of the people in and around the Capitol—the people that you are obligated by mission to serve and protect—ought to be of the highest priority. I think that your increase is a very modest request. I think it reflects fiscal realities, but I think it is something that we ought to support.

I don't know if ultimately we can or we will, but my view of it is that your function and your mission area is of the highest priority not because Members of Congress are here, but because the people who come to meet with and to interact with Members of Congress and people who come just to see their Capitol deserve it. I think that in a free society, in a democracy, that we ought to have the security that allows them to do just that. I therefore would advocate very strongly for the amounts that you are requesting in the budget, even though I personally don't think it is sufficient to discharge the mission that you have on your shoulders.

Mr. CRENSHAW. Well, thanks to the Members. And thank you all for being here today for your testimony. I think we all have a better understanding of just how difficult and complex the job that you all face every day. But we thank you very much for what you do.

The committee now stands in recess subject to the call of the chair.

[Questions submitted for the record by Chairman Crenshaw follow:]

Questions for the Record for the Chief of Police
Submitted by the Honorable Ander Crenshaw

1. Your overtime requests from year-to-year continue to increase even though we have provided the funding to support 1800 sworn officers, as well as for civilians. In this budget environment, what can we do to reduce the fiscal impact without impacting security?

ANSWER: Over the last several years, the overtime hourly rate has increased as a result of more senior sworn personnel working the overtime. This is as a result of the slowing of sworn attrition, so fewer lower paid sworn officers are available to work overtime requirements. Therefore, the overall cost for base overtime has increased, while the number of hours worked for base overtime has remained fairly level. Other factors affect the hourly rate for overtime, to include the annualization of Cost of Living Increases.

During this same period Department has worked closely with the Capitol Police Board and our oversight committees to look at ways to reduce the need for overtime to meet the Department's mission. In addition, the Department has attempted to limit the impacts of additional mission requirements by working with our stakeholders to find offsetting mission reductions.

In order to further manage overtime requirements and reduce the need to utilize overtime, the Department, the Capitol Police Board and our stakeholders can continue to develop and fully implement mission requirement reductions. These reductions would not only include standard post assignments, but also impacts resulting from unanticipated events, initiatives and offsite deployments. Unanticipated security related events, initiatives and deployments would however require further offsetting actions in order to absorb the activity at current or reduced overtime utilization levels. It should be noted that these types of reductions would not affect security of the Complex. Rather, they would impact the Department's efforts to facilitate the work of Congress, to include the ability of visitors to access various locations on the Complex without experiencing delays or access to a reduced number of entry points.

2. If you had to absorb the new initiatives you are proposing in your fiscal year 2012 request from within the fiscal year 2011 base, could you? What would be the impact?

ANSWER: In order to operate within the Department's FY 2011 base during FY 2012, we would have to operate at a level of 1775 sworn positions, which is 25 positions below our authorized and funded strength of 1800 and 370 civilian positions, which are ten positions less than we have been operating during fiscal year 2011. Even in this scenario we would need to operate within our existing overtime levels for FY 2011, which is approximately $2M less than would be needed to carry out similar functions in FY 2012 (as some of the overtime funding in FY 2011 was partial year funding that would need to be annualized). Additionally in FY 2012, overtime for the political conventions and pre-inaugural planning would be necessary, which will add nearly $2.6 Million in overtime. Further, the annualization impacts of standard FY 2011 salaries requirements would need to be absorb in FY 2012 from within the current salaries base.

This would also require that most bureaus/offices operate at or below FY 2011 general expense levels in FY 2012. The only bureaus/offices that would have an increase in FY 2012 would do so because they had realized significant cuts in FY 2010 and/or 2011 that must be augmented in FY 2012 to perform key and overdue functions. Further, general expense funding to support USCP mission security operations at the political conventions would need to be absorbed.

Finally, the scenario above was based on the amounts appropriated to us before rescission and with the $7.192M radio modernization costs included (as we were appropriated $63.130M in GE that was the same amount as in FY 2010). The scenario has the bulk of the radio funds ($6.5M) being transferred to offset our salary needs in FY 2012. If the radio funds are deemed non-recurring and need to be excluded from the calculation or we must also absorb the rescission amounts again in FY 2012, even more drastic cuts from current operations will need to occur. As described above, funding from within the FY 2011 appropriated level would not support recommended FY 2012 new initiatives without significant mission reductions and the discontinuation of mission and mission support programs.

3. Over the last two budget cycles, your Department has experienced significant challenges in preparing an accurate budget request. What have you done to address this issue?

ANSWER: In order to correct the miscalculations to our FY 2010 and FY 2011 budgets from occurring in future budget submissions, the Department has undertaken a comprehensive review of our overall budget formulation process. These miscalculations were a direct result of a deviation from established business practices and a lack of documented financial management policies and procedures.

To correct these budget formulation issues, we have institutionalized our Force Development process that provides a standardized and repeatable business process for developing our budget based on addressing threats and risks. This process provides the framework for conducting an annual threat and risk analysis, an environmental assessment of our mission and mission support activities, the evaluation of existing programs, the analysis of programs and projects contained within the current fiscal year base, and the needs necessary to meet new or emerging threats and risks. Additionally, this process provides for multiple quality control validations at multiple levels of the Department to insure that all budgetary requirements are accounted for and are formulated appropriately to meet mission or mission support requirements.

The Department has taken the necessary actions to implement a documented budget formulation through various policy documents, interim guidance and standard operating procedures. Employees involved in the preparation of our annual budget requests are required to follow these policies and procedures or appropriate accountability will be applied.

Finally, we have recruited and hired a Chief Administrative Officer and a Director of Financial Management/Chief Financial Officer with the appropriate knowledge, skills and abilities to management our financial management activities, to include the annual budget formulation.

4. The Congress has given you significant resources to address your Radio Modernization Project over the last several years, including $7 million in fiscal year 2011. What is your confidence level that these will be the final resources you will need for implementing this project?

ANSWER: The estimated cost for the project is $100,761,329, which is based on known or projected requirements. The total funding appropriated for this project is $101,754,000, which leaves a working contingency amount of $992,671. However, as the project progresses and notional project estimates are replaced within actual cost estimates, as well as impacts from unanticipated project activities are incurred, we will have a more accurate project cost estimate.

The cost estimates utilized to request funding for the project is based on obtaining a 30% vendor discount on the radio equipment and antennas. If this level of discount is not realized, there may be an additional funding requirement up to the list price for these items ($21 Million)

Until the responses to the Request for Proposals (RFPs) are received and the actual cost of the items mentioned above are determined, the Department will not know whether the funding remaining will be sufficient to complete the project or whether additional appropriations will be needed.

It should also be noted that the Department, NAVAIR and the Architect of the Capitol (the project team) are reviewing all aspects of the project to finding efficiencies in project management, implementation of project activities or alternate methods for achieving the defined project requirements.

5. To address your budget shortfalls over the last two years, you have made large reductions within your General Expenses. What things were cut and what was the impact?

In order to address the impacts of the budget shortfalls experienced from miscalculation of our FY 2010 budget, the Department developed a mitigation plan that included the review of every line item within our operating budget by our Executive Management Team. This review resulted in the set aside of nearly $8 Million dollars in annual and no-year funds to be used to meet the shortfall.

These included the elimination of all non-mandatory training; training travel; the deferral of lifecycle replacement for physical/technical countermeasure equipment, information technology systems and equipment, uniforms, and other sworn equipment; the elimination of office supplies and equipment; and the deferral of implementation of necessary internal controls measures needed to meet audit recommendations. While all of these are necessary to the overall health of the Department, they were items for which funding could be deferred to meet salaries shortfalls without affecting security operations.

Additionally, the Department deferred the backfill for civilian vacancies, as well as the deferment of the backfill of 25 sworn officers. These actions, as well as the general expense reductions noted above allowed the Department to meet its needs in FY 2010. In FY 2011, the Department utilized these same mitigation activities to meet project salaries shortfalls resulting from the same miscalculations and the annualization of the overall budget. The Congress ultimately providing the necessary funds to address these salaries requirements, which allowed the Department to utilize the general expense funds, set aside for this purpose to meet radio project requirements. These actions resulted in the elimination of the radio project requirements from our FY 2012 budget request.

6. What would be the impact of a 5% or 10% reduction in fiscal year 2012 from the fiscal year 2011 appropriation?

ANSWER: With a 5% or 10% reduction from the FY 2011 as a base for FY 2012, the Department will be required to reduced personnel and mission requirements. These would result in:

- Reduction of the concentric rings of security that the Department currently deploys to mitigate threats and risks facing the Capitol Complex.
  - As the concentric circles are reduced, potential threats are pushed closer to the Capitol.
  - Increases the likelihood that we will not detect threats until they are at entry points to buildings.
  - Affects emergency evacuation of buildings for fires and threats due to the reduction of outer rings of security that are meant to protect evacuees.
- Reductions in the ability to deploy specialty units to detect, deter, respond and mitigate events on the Complex, because these sworn personnel would be redirected to other mission requirements. This would result in a reduced capability to detect, deter and respond to event on the Capitol Complex. (K-9, motors, bomb squad, counter-surveillance)
- Reduction in the ability to appropriately respond to unexpected mission requirements, such as demonstrations, civil disobedience, and emergency response to fires, criminal activity and natural disasters, so that sworn personnel may be redirected to other mission requirements.
- Reduction in our ability to provide the necessary level of mandatory training for our sworn personnel, such as life safety training, as well as critical preparedness training for emergency response, evacuation, and addressing threats and risks.
- Result in the elimination of civilian mission support functions that will be directly related to the *life and safety* of sworn personnel or that perform *critical operational functions*, impacting our ability to properly support payroll, financial management, benefits processing, property and fleet management, training, management processes, and information systems (other than radio, dispatch, etc.). This will diminish the Department's ability to implement and sustain effective internal controls and mission support infrastructure to address potential waste, fraud and abuse.

7. What efforts have you made to address the administrative challenges of the Department?

ANSWER: The Department has undertaken many things to better manage the administrative functions of the Department. We have hired professional personnel to meet key administrative leadership positions, to include a Chief Administrative Officer (CAO) and Director of Financial

Management. We have implemented or enhanced policies, guidance, and procedures to standardize and formalize administrative processes. Further, we are continuing to take the necessary actions to implement long-term resolution of outstanding and new audit recommendations and findings. Additionally, the new CAO is developing management plans for each administrative organization, which will provide the roadmap for those various management teams to meet expectations for achieving these long-term solutions.

8. What management processes have been put in place to manage the Department's mission and mission support resources and requirements?

ANSWER: We have institutionalized our Force Development process that provides a standardized and repeatable business process for developing our budget based on addressing threats and risks. This process provides the framework for conducting an annual threat and risk analysis, an environmental assessment of our mission and mission support activities, the evaluation of existing programs, the analysis of programs and projects contained within the current fiscal year base, and the needs necessary to meet new or emerging threats and risks. Additionally, this process provides for multiple quality control validations at multiple levels of the Department to insure that all budgetary requirements are accounted for and are formulated appropriately to meet mission or mission support requirements.

The Department has also taken the necessary actions to implement a documented budget formulation through various policy documents, interim guidance and standard operating procedures. Employees involved in the preparation of our annual budget requests are required to following these policies and procedures or appropriate accountability will be applied.

Finally, we have recruited and hired a Chief Administrative Officer and a Director of Financial Management/Chief Financial Officer with the appropriate knowledge, skills and abilities to management our financial management activities, to include the annual budget formulation.

Over the last several years, the Department has worked closely with the Capitol Police Board and our oversight committees to look at ways to reduce the need for overtime to meet the Department's mission. In addition, the Department has attempted to limit the impacts of additional mission requirements by working with our stakeholders to find offsetting mission reductions.

In addition, the Department has undertaken efficiency review of most operational programs and activities, which has resulted in the reduction or re-utilization of resources to meet current or emerging requirements from within our current resources. For example, the Department conducted a comprehensive review of our Hazardous Materials Response program. This resulted in the reduction of personnel required to meet current threats and risks. These reduced positions were re-utilized to meet our security alarm monitoring, which allowed the Department to eliminate a $1.2 Million contract that was not meeting operational requirements. To fill these positions, the Department returned personnel to work that had been placed in the Department of Labor's (DOL) Workers' Compensation Program as a result of injury. This action has resulted in reduced chargeback from the DOL for Workers' Compensation.

Lastly, the Department is constantly reviewing and enhancing the practices utilized to manage the Department's resources to more efficiently and effectively meet our mission.

9. Training is an important aspect of police work. Is your Department getting the necessary training to ensure your officers are prepared for their jobs? If not, why not?

ANSWER: The Department is conducting mandatory training needed to maintain the proficiency of the officers. There are, however, other training that we believe would be beneficial to the officers in performing the duties and enhancing their skills needed to meet threats and risks facing the Legislative Branch.

After accounting for various types of leave and training, each sworn officer has a utility or number of hours that the officer is available for meeting mission requirements. Because our sworn personnel levels do not meet the Department's required staffing to meet current mission requirements, the Department must utilize overtime. Operating at the current level of overtime utilization does not allow for the full training allocation of 80 hours per year for each officer. (Specialized training is not included within this total.) Rather, we are able to provide for mandatory training for our sworn officers. To find efficiencies in training delivery, which would result in more training being achieved within the current availability, the Department is developing and implementing online training. These online trainings are designed to allow officers to take the training in blocks of time before of after their shifts with limited impact.

[Questions submitted for the record by Ranking Member Honda follow:]

QUESTIONS FOR THE RECORD SUBMITTED BY

Ranking Member Honda

FY2012 Budget of the U.S. Capitol Police

Staffing

Question: Does USCP track door usage? If so, does USCP move staff in accordance with door traffic? If not, why?

ANSWER: The USCP tracks door usage each day based on visitor counts. We have the ability to direct officers to doors that have a surge of activity or otherwise direct visitors to other doors that may have shorter lines.

It is important to note that the historic and iconic buildings within the Capitol Complex were not designed to support today's security screening requirements. The limited numbers of entrance doors and physical design of the doorways limits the amount of screening equipment that can be placed at any given door. That, combined with the variations of when we experience an influx of visitors throughout the day causing lines to form at sporadic times. We manage those dynamics as best we can to maintain our security screening standards while facilitating the flow of the visitors into the buildings.

Question: How many doors are staffed by the Capitol Police?

ANSWER: The United States Capitol Police staff a total of 36 public entrances to the United States Capitol, the House and Senate Office Buildings and the Library of Congress Buildings. This does not include doors that used exclusively used by Members of Congress or staff or doors that are in ancillary buildings around the complex, such as the Botanic Gardens or United States Capitol Police Headquarters.

Question: Please update the Overtime Earning by Number of Officers chart in the Fiscal Year 2011 Legislative Branch Appropriations part 2 hearing volume.

ANSWER:

Overtime Earnings by Number of Officers

OT Earned

FISCAL YEAR

Range	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	As of 04/23/11
$ -		1				2	3	3				
$1 - $4,999	791	676	288	395	436	323	598	565	523	672	502	641
$5,000 - $9,999	156	274	152	374	447	401	335	330	304	361	338	298
$10,000 - $14,999	45	81	160	221	253	278	220	211	214	216	228	208
$15,000 - $19,999	22	36	188	126	132	222	123	137	161	136	145	145
$20,000 - $24,999	5	8	142	116	83	139	78	102	106	88	121	96
$25,000 - $29,999	6	5	100	60	68	86	62	66	59	59	79	64
$30,000 - $34,999	1	2	80	52	54	59	36	58	57	43	63	35
$35,000 - $39,999	1	3	58	36	29	43	27	30	43	22	49	35
$40,000 - $44,999		1	44	24	10	28	23	25	35	9	36	11
$45,000 - $49,999	1	1	24	22	10	18	14	23	32	4	33	11
$50,000 - $54,999			19	16	4	10	7	16	19	1	28	3
$55,000 - $59,999			14	12	6	8	7	9	16	1	20	
$60,000 - $64,999			12	4	3	3	3	7	12		8	
$65,000 - $69,999			3	3		3		6	10		6	
$70,000 - $74,999			2	4		3			3		6	
$75,000 - $79,999			1			2	1	2	2		3	
$80,000 - $84,999			2					1	2		1	
$85,000 - $89,999			1						1			
$90,000 - $94,999				1								

Note: YTD=PP20-PP08

Question: How many officers reached the salary cap because of overtime in FY 2010?

ANSWER: In calendar year 2010, USCP had no officers at the salary cap because of overtime. (The annual salary cap is based on the calendar year, not the fiscal year). To ensure that no employee goes over the salary cap, the Office of Human Resources (OHR) sends a bi-weekly report to Bureau Commanders that provides information to track employees that are reaching or are projected to reach the annual pay cap. The divisions utilize these reports to manage the assignment of work.

Radio Modernization

Question: What is the overall status of the USCP radio project and when will it be completed? Will the radios be ready for the presidential inauguration in January 2013?

ANSWER: The Radio project is in Phase III/IV (Procurement, Integration & Installation / Acceptance Testing). Currently there are sseven sub-projects actively in progress. They are:

1. Alternative Computer Facility Dispatcher Center and Data Center (AoC Sub-project)
2. Verizon Mirror Site Dispatcher Center and Data Center (AoC Sub-project)
3. Outdoor Fiber (USCP Sub-project)
4. Indoor infrastructure (AoC Sub-project)

5. Indoor Coax Wiring (NAVAIR Sub-project)
6. Indoor Fiber (USCP Sub-project)
7. Off-Campus Antenna/Repeater Site Infrastructure

The 1st and 2nd sub-project should be completed by summer 2011. The 3rd sub-project is scheduled for completion by fall 2011, with the 4th sub-project scheduled for completion by early 2012. Both the 5th and 6th sub-projects should be completed by fall 2012. A 7th sub-project, the acquisition and infrastructure build out of 5 off-campus antenna/repeater sites, has just started. AoC is in the process of negotiating the various leases for these sites, it is expected that these sites will be ready by late summer 2012.

The completion of these seven sub-projects will provide the needed physical infrastructure and connectivity to support the installation and housing of the associated radio equipment and antennas. In parallel with these efforts, NAVAIR is conducting the procurement process for the necessary equipment to operate the system through the development of five RFPs. One RFP has been awarded to date; three others have been released and should be awarded by June 2011. The largest RFP should be released by June 2011 and awarded by the fall of 2011. The remaining RFP should be released by July 2011 and awarded by the fall of 2011 (and does not impact the overall schedule because of the nature of the items being procured). NAVAIR estimates that the radio equipment should start to arrive in late spring 2012 at which time the actual installation and testing will start to occur.

It is unknown at this point in the project when the new radio system will "go live" and be operational. Until the RFPs are awarded and vendor delivery timelines are received, we will not be able to replace notational timelines with actual timelines needed to refine the overall project schedule. However, current estimates indicate a mid-2013 completion of the project. If

Potential unknown factors that could impact the schedule include: the release dates and contract award dates of the remaining RFPs and any potential vendor protest; the manufacture and delivery time for all the radio equipment and antennas; the progress of infrastructure work in campus buildings (e.g. asbestos problems, obtaining approval from HOBC for the indoor antenna placement in the House side of the U.S. Capitol Building, etc.); and any potential budget shortfall.

The radio modernization project was not planned to be implemented in time to support the 2012 Presidential Inauguration. Because there are too many variables in a project of this scope, we have not made operational planning dependent on the project completion. The USCP has taken steps to be able to fully support the presidential inauguration and its other commitments with the current radio system.

Question: The government is developing a nation-wide emergency communication network. Will USCP radios interoperate with the future network as well as with current systems from other organizations?

ANSWER: The new radio system will integrate with the Integrated Wireless Network (IWN) that is currently being built out by the Justice Department, Department of Homeland Security and the Treasury Department. A Memorandum of Understanding (MOU) will be created between all of the respective agencies upon completion of the USCP RFP awards. There is also approximately 25 other local, state and federal agencies that the new radio system will integrate with through an interoperability gateway. MOUs with each respective agency will be required. The USCP will begin work on the MOUs once the RFPs have been awarded and it is not known exactly what equipment we will have to work from.
Also, the USCP DPD agents will have a standalone interoperability gateway(s) that will allow USCP DPD agents to interoperate with specific local agencies while on travel across the continental United States.

Question: What is the current cost estimate of the radio modernization project, using current estimates? Will additional appropriations be required to finish the project?

ANSWER: The estimated cost for the project is $100,761,329, which is based on known or projected requirements. The total funding appropriated for this project is $101,754,000, which leaves a working contingency amount of $992,671. However, as the project progresses and notational project estimates are replaced within actual cost estimates, as well as impacts from unanticipated project activities are incurred, we will have a more accurate project cost estimate.

The cost estimates utilized to request funding for the project is based on obtaining a 30% vendor discount on the radio equipment and antennas. If this level of discount is not realized, there may be an additional funding requirement up to the list price for these items ($21 Million)

Until the responses to the Request for Proposals (RFPs) are received and the actual cost of the items mentioned above are determined, the Department will not know whether the funding remaining will be sufficient to complete the project or whether additional appropriations will be needed.

It should also be noted that the Department, NAVAIR and the Architect of the Capitol (the project team) are reviewing all aspects of the project to finding efficiencies in project management, implementation of project activities or alternate methods for achieving the defined project requirements.

Evacuation
Question: Is there a system in place today to evacuate the Capitol and the House Office Buildings using real time data that can be utilized by emergency personnel?

ANSWER: The United States Capitol Police uses the National Incident Management System/ Incident Command System to manage evacuations of buildings within our jurisdiction. This allows the Incident Commander to have working knowledge of the situation in order to utilize resources to meet the requirements of the evacuation. That information is relayed to the USCP Command Center where the incident is monitored and managed. Further, USCP has an extensive closed circuit television system that is used to monitor activities associated with the evacuation and the emergency incident. Finally, officers are trained in evacuation protocols and clear each of the buildings floor by floor and also report needs for assistance or situations adversely affecting the evacuation, so that the Incident Commander can take immediate corrective action.

Question: Who is ultimately responsible for evacuation planning and response of the Capitol and the House Office Buildings?

ANSWER: Evacuation planning for the House Office Buildings is the responsibility of the Office of Emergency Management which falls under the House Sergeant-at-Arms. Evacuation planning for the Capitol is a joint effort between the United States Capitol Police, the House Sergeant-at-Arms, and the Senate Sergeant-at-Arms. The United States Capitol Police has responsibility for all response to emergencies and evacuations in all buildings on the Capitol Complex.

Question: Have evacuation plans been fully developed for the House? Are they available for me or any other Member to review?

ANSWER: Evacuation plans have been fully developed for the House and are available for review through the House Sergeant-at-Arms.

WITNESSES

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Library of Congress

U.S. Government Accountability Office

Architect of the Capital (AOC)

Government Printing Office

Congressional Budget Office

Public Witnesses

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United States Capitol Police

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