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LEGISLATIVE BRANCH APPROPRIATIONS FOR 2009

HEARINGS

BEFORE THE

COMMITTEE ON APPROPRIATIONS

HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

SECOND SESSION

SUBCOMMITTEE ON LEGISLATIVE BRANCH

DEBBIE WASSERMAN SCHULTZ, Florida, *Chair*

BARBARA LEE, California
TOM UDALL, New Mexico
MICHAEL HONDA, California
BETTY McCOLLUM, Minnesota
C.A. "DUTCH" RUPPERSBERGER, Maryland

TOM LATHAM, Iowa
RAY LAHOOD, Illinois
JO BONNER, Alabama

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

TOM FORHAN, *Staff Assistant*

PART 3

FISCAL YEAR 2009 LEGISLATIVE BRANCH APPROPRIATIONS REQUESTS

Printed for the use of the Committee on Appropriations

LEGISLATIVE BRANCH APPROPRIATIONS FOR 2009—Part 3

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PART 3

FISCAL YEAR 2009 LEGISLATIVE BRANCH APPROPRIATIONS REQUESTS

Printed for the use of the Committee on Appropriations

U.S. GOVERNMENT PRINTING OFFICE
42–315 WASHINGTON : 2008

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LEGISLATIVE BRANCH APPROPRIATIONS FOR 2009

TUESDAY, APRIL 15, 2008.

CAPITOL VISITOR CENTER

WITNESSES

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

BERNARD UNGAR, CAPITOL VISITOR CENTER PROJECT EXECUTIVE

TERRIE S. ROUSE, CHIEF EXECUTIVE OFFICER FOR VISITOR SERVICES

PHILLIP D. MORSE, SR., CHIEF, UNITED STATES CAPITOL POLICE

TERRELL G. DORN, DIRECTOR, PHYSICAL INFRASTRUCTURE ISSUES, GAO

CHAIR'S OPENING REMARKS

Ms. WASSERMAN SCHULTZ. Good afternoon. Or in Mr. Ayers' case, good morning. It is good to be with everybody. I would like to convene the Subcommittee on the Legislative Branch of the House Committee on Appropriations. This is our tenth oversight hearing on the Capitol Visitor Center.

This afternoon we are going to hear from a number of our regulars, who are going to give us a progress report on the efforts to open the CVC and the progress that is being made on the plans for operating it, as well as welcoming Chief Morse, who is here to give us an update on the security and logistical plans for a variety of the issues that have come up.

We will hear from Stephen Ayers, the Acting Architect of the Capitol; Bernie Ungar, the CVC Project Executive; Terry Dorn, the GAO Director of Physical Infrastructure Issues; Terrie Rouse, the CEO for Visitor Services of the CVC; and Phillip Morse, the Chief of the U.S. Capitol Police.

I am really proud of the work that this committee has done over a little bit more than a year. We have consistently been able to keep the focus on the goal, which is to open the CVC and not have slippage in either the target date for opening, which is November, or the estimated cost, which has continued to be for about the last year $621 million. We are certainly more comfortable with the place that we are at in terms of the progress that has been made, and I commend the project team that has worked very hard to make sure that we have not had slippage. But obviously we have to remain vigilant and mindful of the fact that we could face slippage if we are not careful.

So we are here to get our regular update. I look forward to hearing about the progress and the plans. And, Mr. Latham, if you have any comments.

OPENING REMARKS—CONGRESSMAN LATHAM

Mr. LATHAM. Yes. Thank you.

I want to welcome the entire panel here and let you know that we continue to appreciate your efforts on the Visitors Center. We know that the logistics and activities associated with getting it ready for the opening are very complicated and time consuming, and your efforts are not going unnoticed. I look forward to your testimony and your suggestions on how we can best work together to move the CVC forward.

And, Madam Chairman, I also want to note that the Office of the Architect's CVC project was recognized by the Washington Building Congress with various Craftsmanship Awards for outstanding work. So I think we should be very proud of that.

And thank you.

Ms. WASSERMAN SCHULTZ. Excellent. Thank you very much.

And congratulations, Mr. Ayers. As usual, your prepared statements will be entered into the record. Mr. Ayers, you can proceed with a 5-minute summary of your statement.

OPENING STATEMENT—STEPHEN AYERS

Mr. AYERS. Good afternoon, Madam Chair, Congressman Latham, and members of the subcommittee. I am pleased to be here today to report on the progress made to complete the CVC and prepare it for its opening and operation later this year.

The comprehensive fire and Life-Safety testing is proceeding on schedule. The required fire alarm wiring enhancements we discussed at last month's hearing are ongoing now, and we have determined that this change and the associated testing will not adversely affect the project's schedule.

CVC CONSTRUCTION UPDATE

We recently submitted our third-quarter spending plan, in which we evaluated the project's cost to complete. I am pleased to report that, upon review, the Government Accountability Office agrees with our project team that the estimated $621 million cost to complete remains unchanged.

Along with the ongoing Fire Alarm Testing, we are completing minor construction in the Library of Congress tunnel, the House Hearing Room, the East Front, exterior grounds, and on the House and Senate atria stairs. In addition, we have been addressing the height variables associated with the electrical vaults and correcting the smoke control system issues associated with the atria stairs.

We have received a preliminary report on the plaza pavers, and we are evaluating the information to determine a course of action to address those repairs.

With regard to the remaining construction work, workers have completed all major floor and wall stone in the crypt, Rotunda, and gallery levels inside the East Front. Metal workers completed work

on the bronze handrails in the House and Senate stairwell atria, and are preparing for the terrazzo work on the stairway landings.

In the Library of Congress pedestrian tunnel, ceiling panel installation is approximately 97 percent complete, and the terrazzo floor work is progressing smoothly. The 11-foot model of the Capitol dome was installed on March 21st as scheduled, and it is an impressive sight to see at the center the Exhibition Hall. Historic drawings and sophisticated technology were used to create this unique 3–D model, and the AOC staff ensured that every detail was accurate. It is an important part of the CVC because it will allow children to have a very hands-on experience.

Video screens in the House and Senate virtual theaters have been installed and are being tested. Workers are now installing the 10-foot wooden doors on the east side of the Rotunda. Our Capitol Superintendent's Office has also initiated relocation coordination meetings with all occupants of the CVC and has begun to identify the equipment and inventory needs to fully support their maintenance operation.

PUNCH LIST ITEMS

Crews continue to work to complete punch-list items such as millwork, wall stone, floor stone, ceiling panels, plaster work, carpeting, doors and other finishes. As of April 9th, there were approximately 8,800 open items on the main punch-list. Given the pace of work, we remain on schedule to receive the temporary certificate of occupancy on July 31st, as scheduled.

In March, 41 change orders were settled. The magnitude of change order proposals being received continues to diminish, with most new proposals coming in below $10,000. The team continues to focus their efforts on settling the largest outstanding change orders first and as quickly as possible.

CVC GOVERNANCE AND AWARDS

In anticipation of the CVC opening, Ms. Rouse and her team continue to work with oversight committees and congressional leadership on plans for the CVC Visitor Services operations. I know she has several updates to share with the subcommittee today.

Madam Chair, as you know, the CVC has been designed to greatly enhance the visitor experience by providing greater educational opportunities and much-needed amenities to the millions of people who visit their Capitol Building each year. It is designed to match the Capitol in quality and endurance, and generations of Americans will continue to benefit from all it has to offer.

In that regard, I am pleased to note that the CVC was recently recognized by the Washington Building Congress. Specifically, the project was singled out for 11 Craftsmanship Awards for high-quality, professional workmanship demonstrated throughout the facility.

In addition to the Craftsmanship Awards, several of those winners were extended additional honors with the receipt of two of three Star Awards, presented to projects demonstrating the highest level of quality in visual and technical excellence. The project also received the Hall of Fame award for the masonry work done throughout the facility.

For the Washington Building Congress to recognize the CVC for its superb craftsmanship and quality is truly an honor. The fine team that has worked on this project can take great pride in their role in helping to complete this largest single expansion to the Capitol Building in its history.

That concludes my statement. I would be happy to answer any questions you may have.

Ms. WASSERMAN SCHULTZ. Thank you very much.

[Mr. Ayers' prepared statement follows:]

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

Regarding the Capitol Visitor Center Project

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

April 15, 2008

Good afternoon, Madam Chair and Members of the Subcommittee. I am pleased to be here today to report on the progress made to complete the Capitol Visitor Center (CVC), and prepare for its opening and operation later this year. Joining me today are Mr. Bernie Ungar, CVC Project Executive, and Ms. Terrie Rouse, our Chief Executive Officer for Visitor Services.

The comprehensive fire alarm and life-safety testing is proceeding on schedule. The required fire alarm wiring enhancements we discussed at last month's hearing are ongoing. We have determined that this change and the associated testing will not adversely affect the project schedule.

We recently submitted our third quarter spending plan in which we evaluated the project's cost to complete. I am pleased to report that upon review, the Government Accountability Office agrees with our Project Team that the estimated $621 million cost to complete remains unchanged. We expect some fluctuations in individual line items as issues arise or change and as we settle change orders, but we do not expect the total cost to change. Some risk remains associated with certain project costs, but we will continue to keep the Subcommittee informed of any issues that could affect the $621 million estimate.

Along with the ongoing fire alarm testing, we are completing minor construction in the Library of Congress tunnel, the House Hearing Room, the East Front, the exterior grounds, and the House and Senate atria stairs. In addition, we are addressing the height variables associated with

the electrical vaults and correcting the smoke control system issues in the atria areas. We have received a preliminary report on the plaza pavers, and we are evaluating the information to determine a course of action to address repairs.

With regard to the remaining construction work, I am pleased to report that masons have completed all major floor and wall stone work in the Crypt, Rotunda, and Gallery levels inside the East Front of the Capitol. They will continue with grout work and other detail work at the Rotunda and Gallery levels for the next few weeks. They have also finished installing the stair-tread stones on the south stair in the East Front. Metal workers completed work on the bronze handrails in the House and Senate stairwell atria, and are preparing for the terrazzo work on the landings.

In the Library of Congress pedestrian tunnel, ceiling panel installation is approximately 97 percent complete and the terrazzo floor work is progressing smoothly. Professional cleaning crews continue to clean most of the CVC's public spaces, and have begun to clean in certain areas in the House and Senate Expansion Spaces. Work on the dais in the House Hearing Room continues, while the installation of wood trim around the wall panels has been completed.

The 11-foot model of the Capitol Dome was installed according to schedule, and it is an impressive sight to see at the center of Exhibition Hall. Historic drawings and sophisticated technology were used to create this unique 3-D model, and AOC staff ensured that every detail of the model is accurate. It is an important part of the CVC experience because it will allow children to have a very "hands-on" experience at their Nation's Capitol.

Video screens in the House and Senate Virtual Theaters have been installed and are being tested. Workers are now installing the 10-foot wooden doors on the east side of the Rotunda. The Capitol Superintendent's Office has initiated relocation coordination meetings with future occupants, and has begun to identify its equipment and inventory needs to fully support maintenance operations.

Crews continue to work to complete punchlist items such as millwork, wall stone, floor stone, ceiling panels, plaster work, carpeting, doors, and other finishes. As of April 9, there were approximately 8,800 open items on the main punchlist. Given the pace of the work, we remain on schedule to receive the temporary Certificate of Occupancy by July 31.

In March, 41 change orders were settled. The magnitude of the change order proposals being received continues to diminish, with most new proposals coming in below $10,000. Gilbane and the CVC Project Team continue to focus their efforts on settling the largest outstanding change orders first and as quickly as possible.

Outside, the East Front is taking on a much greener appearance with the warmer weather and the ongoing landscape restoration work being done. All of the construction trailers have been removed from the House Egg and crews have been preparing the grounds for sod placement and plantings.

The sidewalk along First Street, N.E., across from the Supreme Court Building, has been restored. The CVC truck entrance which had been located there since 2002 has been completely dismantled and the area has been restored. Recently, the hoist that was temporarily anchored to the Capitol was removed.

In anticipation of the CVC's opening, Ms. Rouse and our team continue to work with Oversight Committees and Congressional leadership on plans for CVC's visitor services operations. I know she has several updates to share with the Subcommittee today.

Madam Chair, as you know, the CVC has been designed to greatly enhance the visitor experience by providing greater educational opportunities and much-needed amenities to the millions of people who visit their Capitol Building each year. It is designed to match the Capitol in quality and endurance, and generations of Americans will greatly benefit from all it has to offer.

In that regard, I am pleased to note that the CVC was recently recognized by the Washington Building Congress. Specifically, the project was singled out for 11 Craftsmanship Awards for the high-quality, professional workmanship demonstrated throughout the facility by individuals who are "creative, precise, and possess the special skills associated with quality craftsmanship."

The features that were recognized with Craftsmanship Awards include the six skylights which allow natural light into the CVC; the custom light fixtures located throughout the CVC and Expansion Spaces that complement the existing fixtures in the Capitol Building; the installation of major hard scape features such as stairs and seat walls, as well as the re-installation of historic elements such as fountains and lanterns on the East Front; and the installation of monumental interior wall stone and marble, and ornamental staircases, doors, and other hardware. Technical skills of the teams responsible for electrical and fire alarm systems installation, and plaster work were also honored.

In addition to the 11 Craftsmanship Awards, several of the winners were extended additional honors with the receipt of the "Star Award" for projects deserving of special recognition for demonstrating the highest level of quality. The CVC project was recognized for visual excellence and technical excellence, and the project also received the Hall of Fame award for the masonry work done throughout the facility.

For the Washington Building Congress to recognize the CVC for its superb craftsmanship and quality is a true honor. The fine team that has worked on this project can take great pride in their role in helping to complete the largest single expansion of the Capitol Building.

This concludes my statement. I would be happy to answer any questions you may have.

Ms. WASSERMAN SCHULTZ. Ms. Rouse.

OPENING STATEMENT—TERRIE ROUSE

Ms. ROUSE. Good afternoon, Madam Chair, Congressman Latham, and members of the subcommittee. I am pleased to be here today to update you—it would help if I turn the microphone on. My apologies.

Madam Chair, Congressman Latham, members of the subcommittee, I am pleased to be here today to update you on the progress we have made since last month in readying the Capitol Visitor Center from an operational perspective.

In the personnel field, we have put veteran managers in place to run our gift shops, our exhibition space, and our restaurant. Last month, I introduced to you my deputy, who is an accomplished administrator. He will oversee the operations aspect of the Visitor Center.

CVC STAFFING UPDATE

As I discussed at last month's hearing, I am hiring a diverse and professional staff. Our job fair last week was extremely successful. We received over 600 applications for the 60 Visitor Assistant positions that are available. With help from our colleagues all over the Capitol complex, we interviewed approximately 200 people. We culled that number and are planning to complete the selection within the next 2 weeks.

I think the overwhelming response was due in large part to outreach through the different congressional caucuses, our advertisements in smaller, nontraditional outlets, and our contacts with schools and universities across the country.

The Visitor Assistant position is a crucial component of our setup. With so much that is new about the Capitol to outsiders and even to people who work here, we need to make sure that the Visitor Assistants, our front line ambassadors, can respond quickly and completely to any situation or questions that arise.

We continue to be mindful of the fact that, despite the progress we have made in hiring key personnel, we have a huge task ahead in hiring up to the designated staff level for the Capitol Visitor Center. We have only a fraction of the time that is considered average for a 200,000-square-foot facility. Our dedicated team will continue to work on hiring all necessary staff, and training will be vitally important for all employees.

CVC OPERATIONS

In the context of operational planning, we are also aware of our identity as a component of the Office of the Architect of the U.S. Capitol as an extension of the Capitol Building itself. Even now, we are serving as an arm of the Capitol operation by meeting on a regular basis not only with our subcommittee, but with the Capitol Preservation Committee, our Oversight Committees, House and Senate leadership, and senior leadership team of the Architect of the Capitol Architect's Office.

From a programming perspective, one of the more unusual exhibits in the Capitol Visitors Center was installed since our last meet-

ing, the 11-foot-high touchable model of the Capitol dome. Produced by Midwest Model Makers of Indianapolis and made of polyurethane, the dome will provide visitors with an intimate look at the iconic symbol of representative democracy. Our young visitors will love this model of the Capitol dome, and for that reason, we made sure that it is durable and easily cleaned. It will never need painting, since color is impregnated in the mold.

ADVANCE RESERVATION SYSTEM

Madam Chair, as you know from our weekly updates, we have made steady progress in the development of the Advanced Reservation System. For the past month, we have been working closely with the current visitor services staff on how to administer the Advanced Reservation System during the busiest Capitol tourist seasons.

We continue to work on developing the CVC Web site. We want to prepare people for the much improved U.S. Capitol experience that awaits them with the logistical information that they need, and we want to make the Web site as easy to navigate as possible. More importantly, we want to whet the appetites of our visitors as to what the Capitol has to offer that will inform, involve, and inspire them in a very personable way.

We are also continuing to facilitate communications with the U.S. Capitol Police, the D.C. Department of Transportation and others on visitor approaches to and from the Visitors Center. There are a variety of approaches to the Capitol, from walking to biking to taking public and private transportation.

The Nation's Capital is a friendly walking town, a walking city. Residents and visitors alike enjoy our sidewalks, our generous green spaces that make walking along the magnificent monuments and memorials a true delight. In fact, DDOT and the Capitol Police are preparing a pedestrian access study of First Street, where traffic will be heavier once the Visitor Center opens.

CHARTER BUS OPERATIONS

Currently, large charter buses drop off passengers near the West Front of the Capitol; they will still be able to do so when the Visitor Center opens. Some of the companies, however, may choose to park and drop off passengers at Union Station, where approximately there are 75 available parking spaces are. From Union Station, there are a variety of options for tourists who wish to visit the Capitol Building, including picking up a city tour bus, riding a local Metrobus, or walking four blocks to the Visitor Center, about as far as it is from the White House to the Washington Monument. From the Capitol South Metro stop, where many tours will exit the subway, the walk to the Visitor Center is only two blocks.

Thank you again for this opportunity to update the subcommittee on our activities, and thank you for your continued support and interest. I would be pleased to answer any questions you may have.

Ms. WASSERMAN SCHULTZ. Thank you, Ms. Rouse.

[Ms. Rouse's prepared statement follows:]

Statement of Ms. Terrie S. Rouse
Chief Executive Officer for Visitor Services
for the Capitol Visitor Center, Office of the Architect of the Capitol

Before the Subcommittee on Legislative Branch
Committee on Appropriations

Regarding Capitol Visitor Center Operations

April 15, 2008

Madam Chair, Congressman Latham, members of the Subcommittee, I am pleased to be here today to update you on the progress we have made since last month in readying the Capitol Visitor Center from an operational perspective.

We are continuing to prepare the Visitor Center on a number of fronts. For example, in the personnel field, we've put veteran managers in place to run our gift shops, our exhibition space and our restaurant. We've hired an accomplished administrator as my deputy who will oversee the operations aspect of the Visitor Center as we ramp up and go live. Those managers in turn are hiring experienced and enthusiastic people who will handle daily functions in their areas.

As I discussed at last month's hearing, I am hiring a diverse and professional staff. Our job fair last week was extremely successful. We received more than 600 applications for the 60 Visitor Assistant positions that are available and — with help from our colleagues all over the Capitol complex — we interviewed more than 200 people last week. We've culled that number and are planning second-round interviews this week. I think our overwhelming response was due in large part to outreach to the different Congressional caucuses, our advertisements in smaller, non-traditional outlets, and our contact with schools and universities across the country.

The Visitor Assistant position is a crucial component of our set-up – the Visitor Assistants are our front-line ambassadors – sometimes they will be the first people visitors will see upon entering the Capitol complex. With so much that is new about the Capitol to outsiders, and even to people who work here, we need to make sure that the Visitor Assistants — and in fact

everyone who works for the Visitor Center — can respond quickly and completely to any situation or question that arises. We feel that our tone of voice is as much about communicating feelings as it is about communicating facts – so it's not just what we say but how we say it. Our tone is professional, dynamic, welcoming, resourceful, and energetic. This attitude shows an understanding of our audience – the visitors – and we will always convey a very real sense of inspiration, excitement, and promise as we welcome newcomers to our home.

We continue to be mindful of the fact that, despite the progress we've made in hiring key personnel, we have a huge task ahead in hiring up to the designated staff level for the Capitol Visitor Center. We have only a fraction of the time that is considered average for a 220,000 square foot facility. Our dedicated team will continue to work on hiring all necessary staff and training will be vitally important for all employees.

From a programming perspective, one of the more unusual exhibits in the Capitol Visitor Center was installed since our last meeting – the 11-foot-high touchable model of the Capitol Dome. Produced by Midwest Model Makers of Indianapolis and made of polyurethane, the Dome will provide visitors with an intimate look at this iconic symbol of representative democracy. Every architectural feature of the Capitol Dome, both interior and exterior, has been meticulously replicated. The front of the model shows the exterior of the Dome from its base to the Statue of Freedom. The back side of the model depicts a cutaway showing the construction of the inner and outer cast iron Dome and the interior of the Rotunda, from the fresco depicting George Washington to the Rotunda floor. The lighting in the Dome will simulate a day/night cycle. When night falls, the light in the tholus -- that's the area beneath the Statue of Freedom -- will come on.

Our young visitors will love this model of the Capitol Dome, and for that reason we've made sure that the model is tough, durable, easily cleaned, and it never needs to be painted since color is impregnated into the mold.

In the context of our operational planning, we are also aware of our identity as a component of the Office of the Architect of the Capitol and as an extension of the Capitol Building itself. Even

now, we are serving as an arm of the Capitol operation by meeting on a regular basis not only with this Subcommittee but with the Capitol Preservation Commission, our oversight committees, House and Senate leadership, and the senior leadership team in the Architect's Office.

Madam Chair, as you know from our weekly updates, we have been making steady progress in the development of the Advanced Reservation System (ARS). For the past month, we've been working closely with the current Visitor Services staff on how to administer the ARS during the busiest Capitol tour seasons.

We also continue to make progress in developing the new CVC Web site. For many people, the Web site will be their first introduction to the CVC so we want to make sure that its tone is as welcoming as the tone of our staff. We want to prepare people for the much–improved Capitol experience that awaits them with the logistical information that they need, and we want to make the Web site as easy to navigate as possible. Most importantly, we want to whet their appetites regarding what the Capitol has to offer that will inform, involve, and inspire them in a very personal way.

We are also continuing to facilitate communication among the U.S. Capitol Police, the District of Columbia Department of Transportation, and others on transportation to and from the Visitor Center. DDOT and the Capitol Police are in the midst of preparing a pedestrian access study regarding First Street where traffic will be heavier once the Visitor Center opens.

Currently, large charter buses drop off passengers near the West Front of the Capitol. They will still be able to do so when the Visitor Center opens. Some of these companies, however, may chose to park and drop off passengers at Union Station, which has approximately 75 available bus parking spaces. From Union Station, there are a variety of options for tourists who wish to visit the Capitol Building including picking up a city tour bus, riding a local Metrobus, or walking four blocks to the Visitor Center – about as far as it is from the White House to the Washington Monument. From Capitol South, where many tourists will exit the subway, the walk to the Visitor Center is only two blocks.

We understand from District officials that the city Metrobus route, the N22, which currently runs along First Street, has already increased in frequency and is operating smoothly between Union Station and the new baseball stadium. District and Metro officials plan to convert this N22 route to a new DC Circulator route which would run every 10 minutes down First Street with a stop at the Visitor Center.

Thank you, again, for this opportunity to update the Subcommittee on our activities, and thank you for your continued support and interest. I would be pleased to answer any questions you may have.

Ms. WASSERMAN SCHULTZ. Chief Morse.

OPENING STATEMENT—CHIEF MORSE

Chief MORSE. Madam Chair and Congressman Latham, members of the committee, I would like to thank you for inviting me here today to testify.

Today, I would like to focus my comments on the Department's plans for addressing potential volumes of visitors to the CVC. With regard to anticipated volume, we have systems in place to allow for the reassignments of resources and personnel to meet critical needs throughout the Capitol complex. We believe that we have the capability to move personnel in a timely manner to address surges in pedestrian flow, as well as other events, while maintaining the security of the Capitol complex.

We have also completed our operational and emergency special operating procedures that are commensurate with this high-level volume of visitors, and are prepared to initiate training with our officers and employees when the occupancy permit is issued.

PEDESTRIAN TRAFFIC

Based on the historical data, tourists to the Nation's Capitol do not typically drive to their destinations. Therefore, we would anticipate the same flow of vehicular traffic that is currently present, with a higher level of pedestrian traffic. The Department currently supports the large charter buses dropping off visitors to the Capitol on First Street Northwest and Southwest along the West Front.

The Department continues to work cooperatively with the AOC and the District's Department of Transportation to look at movement of visitors to the Capitol complex within the current security restrictions for large vehicles. It is important to note that there will be many means of arrival at the entrance of the CVC, many noted by Ms. Rouse, that include public transit buses, commercial sightseeing vehicles, taxicabs, personal passenger vehicles, as well as walking from the numerous Metro and subways near the Capitol.

CVC TOURIST ENTRANCE

With regard to the tours, the Department believes the main entrance of the Capitol Visitor Center remains the optimum entry point for visitors to the CVC and the Capitol. Our planning assumptions have consistently relied upon the state-of-the-art CVC entrance configuration to process large numbers of visitors in a more efficient manner so that we can sustain the high level of security standards currently maintained throughout the Capitol complex. We also understand the concerns raised regarding the ability of Members to maintain staff-led tours for their constituencies. The Department is continuing to work with Congress on this matter.

In closing, I would just like to thank you again for the opportunity to appear before you today, and I will be glad to answer any questions that you may have.

Ms. WASSERMAN SCHULTZ. Thank you, Chief.

[Chief Morse's prepared statement follows:]

Statement of Phillip D. Morse, Sr.,
Chief of Police, United States Capitol Police

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

Regarding the Capitol Visitor Center Project

April 15, 2008

Madam Chair, Congressman Latham and Members of the Subcommittee, I would like to thank you for the opportunity to appear before you today to provide a brief update on the United States Capitol Police role in securing the Capitol Visitor Center.

The USCP has worked closely with the AoC on final steps to prepare the Capitol Visitor Center (CVC) for an initial occupancy by July 31, 2008. With the completion of the CVC in November 2008, there will be the capability and the capacity to welcome larger numbers of guests and visitors at any one time to the Capitol. This new facility will efficiently process high volumes of guests and visitors and bring them into a safe, controlled and monitored environment as quickly as possible, while maintaining the highest level of security and protection.

Today, I would like to focus my comments on three specific areas: the Department's plans for addressing the potential volume of visitors to the CVC, the CVC transportation plan, and the utilization of the Cannon Tunnel for tours.

The Department has developed operational, emergency response and evacuation plans for our role in supporting this effort. These plans have several primary objectives:

- To move guests and visitors as quickly as possible through our screening process, so we can welcome them into a safe and secured facility;
- To provide an immediate and appropriate response to any event which may occur within the facility;
- To provide the maximum support, protection and response for Members and their staff while they are conducting business and meeting with constituents within the Capitol Visitor Center, and;
- To use state-of-the-art security technology and practices to maximize throughput of visitors and efficiently utilize police staffing for proper security and law enforcement coverage within the CVC.

Additionally, the Department is conducting training on emergency procedures and evacuation plans for the CVC. We believe that the overall sworn training program provided to USCP sworn personnel addresses crowd control under various operational situations. We also believe that this training and its operational application provide our personnel with the resources necessary to address increased pedestrian traffic resulting from the operation of the CVC.

We have systems in place to allow for the reassignment of resources and personnel to meet critical needs throughout the Capitol Complex. We believe that we have the capability to move personnel in a timely manner to address surges in pedestrian flow, as well as other events, while maintaining the security of the Capitol Complex.

Based on historical data, tourists to the Nation's Capitol do not typically drive to their destinations. Therefore, we would anticipate the same flow of vehicular traffic that is currently

present. The Department currently supports large charter buses dropping off visitors to the Capitol on First Street NW/SW along the West Front.

The Department is continuing its discussions with the AOC and the District's Department of Transportation to look at bus routes on the Capitol Complex, as well as the most efficient methods for transporting visitors, while maintaining our operational security plans for the complex. Should the concept of Circular buses be approved to move tourist around the Capitol complex, as well as address increased pedestrian flow, we believe that additional resources may be necessary to address impacts at First Street and Independence Avenue resulting from these Circulator buses.

As for the impacts on office buildings and other buildings on the Capitol Complex resulting from additional pedestrian traffic associated with the CVC, we do not anticipate an increase in personnel needs for this purpose at this time. Based on the physical constraints on the pedestrian flow through the building entrances and available equipment, we do not believe that the flow of pedestrian traffic through the entrances would increase with the addition of personnel at these screening locations.

With regard to tours, the Department believes that the main entrances of the Capitol Visitor Center remain the optimum entry point for visitors to the CVC and the Capitol. Our planning assumptions have consistently relied upon the state-of-the-art CVC entrance configuration to process large numbers of visitors in a more efficient manner, so that we can sustain the high security standards currently maintained throughout the Capitol Complex. With the anticipated influx of visitors, we are mindful of the need to closely monitor and regulate the

number of visitors in the Capitol and the CVC at any given time, so that we may ensure that an evacuation of these structures can be accomplished in a safe and timely manner.

Currently there are three primary points of entry for tour groups to enter the Capitol. The primary entry location for public tours is the Upper West Terrace Door of the Capitol. This is a temporary entry point that has been used while the CVC has been under construction. The two entry points for staff-led tours are through either the Cannon House Office Building or Russell Senate Office Building tunnels into the Capitol.

Understanding the concerns raised regarding the ability of Members to maintain staff led tours for their constituencies, the Department is continuing to work with the Congress on this matter. As noted in our FY 2009 budget request, we have requested an additional 10 sworn FTE to provide for the continuation of tours through the tunnels to the Capitol.

The Department understands that the concept of operations for the CVC has not been finalized and further adjustments may be made to ensure that the facility provides for the needs of visitors to the Capitol Complex, while serving as a working building in which the Congress may conduct its business.

A major factor in the Department's planning effort is our ability to hire and train the additional sworn staff we believe would be necessary to secure the CVC. We are very grateful for the support of the Congress in authorizing 21 sworn FTE in FY 2008 for this purpose. Even if the Department receives authorization for the additional 10 sworn FTE necessary for tunnel security and the necessary funding to support these 31 FTE in FY 2009, the Department will not have the opportunity to train these sworn officers in the time remaining prior to the opening of the CVC in November 2008.

Therefore, the Department is developing its operational plans for the opening of the CVC around the utilization of overtime funding until such time as the authorized FTEs are hired, trained and deployed. As I have mentioned in previous testimony, I believe this should be a short-term solution as I am mindful of the adverse effects of long shifts and extensive overtime on personnel. This overtime-funding requirement is reflected in the Department's FY 2009 budget request.

In closing, I would like to thank you for the opportunity to appear before the Committee today. The Department remains committed to continuing the highest-level of security and service provided to the Congress and the visitors to the Capitol Complex. With the continued support of the Congress, the Department will be able to provide for the sworn workforce and operational support mechanisms needed to meet the security requirements resulting from the final concept of operations for the CVC.

I will be glad to answer any questions you may have at this time.

Ms. WASSERMAN SCHULTZ. Mr. Dorn.

OPENING STATEMENT—TERRELL DORN

Mr. DORN. Thank you, Madam Chair, Mr. Latham, members of the subcommittee.

Since the last hearing, AOC has continued to move the construction forward and also the fire alarm acceptance testing. The number of open PCOs, or change orders, while still large, continues its downward trend. The number of punch-list items, or deficiencies, is down by about 10 percent since the last hearing. Two of the deficiencies that we discussed last month are continuing towards resolution.

Most of the atria smoke exhaust equipment is on hand. There is some remaining equipment that Mr. Ungar has plans to expedite delivery of, if necessary.

FIRE ALARM LIFE-SAFETY TESTING

The additional wiring to address the fire alarm situation is proceeding. In working cooperatively, the AOC and the fire marshal have been able to reduce some of the second and third shifts they had planned for testing.

Risks, while gradually diminishing, still remain. While the punch-list is trending down, there are future final inspections to take place which could reverse that trend again temporarily.

Work on near-critical paths continues to slip; however, a schedule was not received during the past month, so we do not know the full extent. But we do know that we do not expect it to affect the schedule at this point.

We have raised the issue of the East Front pavers on several occasions. AOC's investigation of that issue continues. However, it appears the problem is widespread and could affect the majority of the plaza at some point during repairs. Responsibility is still uncertain.

CVC COST ESTIMATES

At the subcommittee's request, since the last hearing, AOC reviewed and revised portions of its cost estimate. A number of line items changed either up or down, but the bottom line remains the same at $621 million. Our review of the revised estimate indicates the estimate is realistic. And given the 4 to 5 months of remaining construction time, the contingency appears adequate, provided there are no unusual delays.

In summary, Madam Chair, the schedule remains the same with November for a potential opening date—at Congress' discretion, of course. And the budget remains the $621 million.

Thank you.

[Mr. Dorn's prepared statement follows:]

United States Government Accountability Office

GAO

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

For Release on Delivery
Expected at 1:30 p.m. EDT
Tuesday, April 15, 2008

CAPITOL VISITOR CENTER

Update on Status of Project's Schedule and Cost as of April 15, 2008

Statement of Terrell G. Dorn, Director,
Physical Infrastructure Issues

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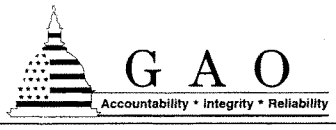


GAO-08- 677T

Madam Chair and Members of the Subcommittee:

I appreciate the opportunity to be here today to assist the Subcommittee in monitoring progress on the Capitol Visitor Center (CVC) project. My remarks will focus on (1) the Architect of the Capitol's (AOC) construction progress since the last CVC hearing on March 12, 2008,[1] and (2) the project's expected cost at completion and funding status.

Today's remarks are based on our review of schedules and financial reports for the CVC project and related records maintained by AOC and its construction management contractor, Gilbane Building Company; our observations on the progress of work at the CVC construction site; and our discussions with the CVC team (AOC and its major CVC contractors) and AOC's Chief Fire Marshal. We also reviewed AOC's construction management contractor's periodic schedule assessments, proposed change order log, and weekly reports on construction progress. In addition, we reviewed the contract modifications made to date.

Construction Is Nearly Complete, but Risks Remain

Since the March 12, 2008, CVC hearing, the project's construction and fire alarm acceptance testing have moved forward, and despite continued delays in certain CVC and expansion space work, AOC still believes that the project will be ready to open in November 2008. According to AOC's construction management contractor, in dollar terms, the overall CVC project remains 99 percent complete.[2] However, risks to the project's schedule remain in several time-critical activities, including the fire alarm acceptance testing. Many punch list[3] items also remain to be completed, and a steady number of proposed change orders have to be resolved. At this time, however, AOC does not expect the punch list items or the proposed change orders to affect the project's completion date.

Since the last hearing, work on portions of the project's current critical path,[4] fire alarm acceptance testing, has continued, and no new significant

[1]GAO, *Capitol Visitor Center: Update on Status of Project's Schedule and Cost as of March 12, 2008*, GAO-08-545T (Washington, D.C.: Mar. 12, 2008).

[2]In other words, the sequence 2 contractor has received about 99 percent of the current contract value. This value does not include the costs of unsettled proposed change orders, potential claims, and work performed outside the current Sequence 2 contract, such as the fire marshal's fire alarm acceptance testing.

[3]A punch list identifies tasks, usually minor, to be completed at the end of a project.

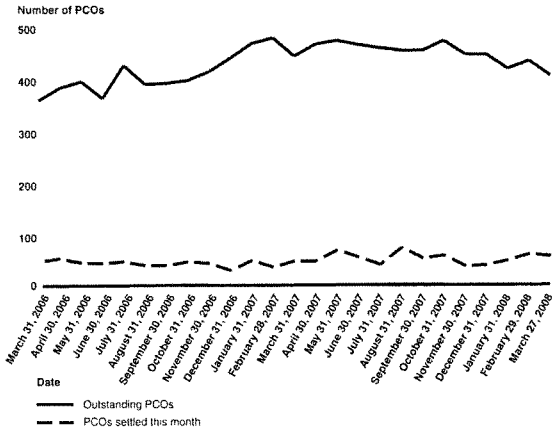
[4]The critical path is the single longest path of activities through a project's schedule. Each day of delay in the critical path could delay the completion of the entire project.

issues have emerged. Issues with the fire alarm wiring and smoke exhaust system that we discussed last month are being addressed, and AOC does not expect them to delay its receipt of a temporary certificate of occupancy for the project, planned for July 31, 2008. AOC officials recognize that if equipment for the smoke exhaust system is not delivered on time, completion of the acceptance testing could be impacted. AOC is investigating ways to mitigate that risk by expediting the delivery.

An updated schedule for March 2008 was not available from AOC to review for this hearing. Consequently, it is unclear exactly how much time has been lost in less time-critical work in areas such as the East Front, the Exhibit Gallery, and the House Hearing Room. Delays in addressing items on the project's extensive punch list, which now includes about 8,800 tasks, pose further risks to the CVC's schedule and call for continued prompt attention by AOC and its contractors. For example, some fire alarm acceptance testing in the Library of Congress tunnel has been delayed pending completion of certain work in the tunnel. Moreover, as discussed last month, damage to pavers on the East Front plaza has not been repaired. AOC has determined that substantial rework may be required to prevent further damage. AOC is investigating but has not yet determined how much the rework will cost and who is responsible for it.

Each month, the CVC team continues to identify proposed change orders. AOC and its contractors have continued to work together to reduce the number of open (outstanding) proposed change orders, but the number of open orders has remained essentially unchanged. Sustained attention to this issue is needed to reduce uncertainty about the project's costs and to avoid risks to the project's schedule as new proposed change orders come in. Figure 1 compares the number of outstanding proposed change orders with the number settled each month.

Figure 1: Outstanding and Settled Proposed Change Orders by Month, March 2006 through March 2008 [a]



Source: AOC's construction management contractor.

[a] The most current proposed change order data were complete through March 27 rather than through the last day of the month, as for the previous months.

AOC's Cost Estimate Remains the Same, and Additional Funds Will Be Needed

Since the last hearing, AOC has reviewed its estimate of the CVC's cost at completion. While some line item costs have increased or decreased, the bottom line estimate of about $621 million remains the same as we reported in September 2007. We believe this estimate is realistic and contains a sufficient allowance for contingencies, provided there are no unexpected delays over the next three months, when construction is scheduled to be complete. To date, about $569.5 million has been approved for CVC construction, and AOC has $16.2 million more in fiscal year 2008 CVC appropriations that it plans to use for construction after it obtains congressional approval to obligate these funds.[5] In addition, AOC

[5] For fiscal year 2008, AOC received $28,753,000 (before rescission) in appropriations for the CVC project. Pub. L. No. 110-161. Of that amount, AOC is allowed, but not required, to use up to $8.5 million for operations. AOC is currently planning to use the $8.5 million for operations.

has estimated that it will still need an additional $2.6 million in fiscal year 2008 to fund CVC construction. Furthermore, AOC has requested $31.1 million in fiscal year 2009 funds for CVC construction. Given its current cost-to-complete estimate, AOC may need an additional $2 million in fiscal year 2009 to complete the project.

Madam Chair, this completes my prepared statement. I would be pleased to answer any questions that you or Members of the Subcommittee may have.

Contacts and Acknowledgments

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Ms. WASSERMAN SCHULTZ. Thank you very much to all of you.

And, Mr. Ungar, I assume you do not have anything in terms of a statement.

Mr. UNGAR. No.

CVC COMPLETION COSTS

Ms. WASSERMAN SCHULTZ. Okay. I know you both said it, but I want to just underscore and make it clear, since that is one of the main reasons we do these oversight hearings:

Mr. Ayers and Mr. Dorn, you both agree and are on the same page that we are still at $621 million estimated cost to complete, an opening of November, and that we are on track for both of those?

Mr. AYERS. Yes.

Mr. DORN. That is correct.

Ms. WASSERMAN SCHULTZ. Okay. That is good to know. Comforting.

BUSING PLAN CONCERNS

I want to touch base with both the Chief and you, Ms. Rouse, about the busing plan, because I have to tell you that since our last hearing I have had—and I do not know if you have, Mr. Latham, although I have to imagine you have—I have had a lot of members come up to me on the floor expressing concern about the busing plan, that they are concerned about their constituents.

I represent a district with a very high proportion of senior citizens, and I have about-to-be fourth graders, twins, who are approaching the school year in which they make that trip to Washington, DC, in many cases, across the country. Although I know you minimized in your opening statement the distance that would be required for people to walk from where the bus drops them off, I have to tell you my 8-year-olds have little legs and they complain after a couple blocks. And I have a 4-year-old also.

So I am concerned that the distance that you are asking people to walk is too great, particularly for the frail elderly and for young children.

I am also concerned about the dollar per person that we would be charging people to get on the Circulator bus.

And I am lastly concerned, if you could address, are we going to, with some of these large tours, be able to use just one bus per group? Do you anticipate the buses accommodating an entire group? And what do you do with the leftovers if they do not?

CHARTER BUS OPERATIONS

Ms. ROUSE. I will try to take them in components.

For many buses, 60 percent of the buses, during a typical busy time, the charter buses, will continue to drop off at the West Front. People will be dropped off there, and they will walk around the building. This is the way most people historically have come to the Hill, and I would imagine that is going to continue to be the scenario. If buses for some reason opt to drop off at Union Station, tourists can come to the Capitol a number of ways. They could, if they wanted to, get on the Circulator bus and pay a dollar.

Ms. WASSERMAN SCHULTZ. But if they could drop off at the West Front, why would they drop off at Union Station?

Ms. ROUSE. It depends on the bus company. It depends on what arrangements they have made. The Capitol Police have said that they can still continue to drop off at the West Front of the Capitol, but they may choose to drop off at Union Station.

EDUCATIONAL TOURS

What we have tried to do—for which we have begun to talk with programming about—is figure out a way to make this a learning experience for younger audiences because of the walking distance. As you walk the grounds, the groundspeople have the trees labeled, in addition to having other ways to make that part of the learning experience.

The public programming staff will be preparing a pre-visit package for teachers to help them make every part of their moment to the U.S. Capitol an experience. This is part of what we are trying to do.

The bus companies may have the option, since they are packaging educational tours, to offer tourist the opportunity for a card that will give them access to use the Circulator bus. There would be a fee that they would probably pass on in their packaging. That is one possible solution.

Another solution is that we would encourage people to do is take—go to Capitol South Metro Station. It is only two blocks up; Union Station is four blocks. So there are other opportunities.

Many people, because of the new tourist attractions that will go on in this end of Washington, DC, will be coming up from the American History Museum which is right down the street from the Newseum. There is now a new triangle of excitement, if you will, between the three museums.

CIRCULATOR BUSES

Ms. WASSERMAN SCHULTZ. How about whether they will fit on a single Circulator bus?

Ms. ROUSE. On a Circulator bus, which is about 30 people, they will not. On an N–22 regular bus, that is about 40 people. So that would be an option they would have to make.

Ms. WASSERMAN SCHULTZ. What do you do? Most of my school groups are—and I am sure the other Members' school groups are the same—150. How are we going to keep these groups together and make sure that their teachers can keep track of them? And how long will the kids who got dropped off at the Capitol have to wait for the other buses to bring the other kids? I mean, the logistics do not sound like they are going to work.

Ms. ROUSE. If they are opting for the Circulator bus, those buses run every 10 minutes. That is my understanding. If we are preparing groups, if they opt to use the Circulator bus, we would remind them how big the group is and have that be part of their pre-experience. Remember, you need to have X number of supervisors with groups of 30, if they decide to do that and if they are not being dropped off on the West Front.

Ms. WASSERMAN SCHULTZ. My time has expired, and I wanted the Chief to answer as well. But I mean, a 150-kid-size group, the

Circulator buses are going every 10 minutes, that means that they are going to have to wait 50 minutes before their entire group gets to the Capitol to begin their tour? That is not going to work.

Ms. ROUSE. If they are going to take the Circulator and not walk the four blocks or if they are at Union Station.

Ms. WASSERMAN SCHULTZ. With all due respect, little kids—I do not even like to walk from Union Station to here—little kids are not going to walk—we are not going to be able to walk school groups of young children from Union Station to the Capitol and expect that to be a realistic everyday thing.

Ms. ROUSE. I understand, I had a small child at one point; I know what that is like getting small children together, it is like herding cats. But most groups of them are typically dropped off at the West Front, and then they are just walking around the building.

So it is an issue.

Ms. WASSERMAN SCHULTZ. Mr. Latham, do you mind if I let the Chief answer?

Mr. LATHAM. No.

Ms. WASSERMAN SCHULTZ. Thank you.

Chief, part of the reason that we are moving the buses off-site is because of security. So if you could address those concerns as well.

Chief MORSE. Right.

LARGE VEHICLES AND SECURITY CONCERNS

Obviously, large vehicles are an issue for us for security reasons. But many people have asked, can you screen buses before they come up. And—those issues were talked about years ago when we started these discussions, and it takes more officers, more assets and resources, and it also takes a location. It takes space because of, you know, traffic congestion and such. So those were all the considerations made.

With regard to Union Station, I believe one of the primary reasons Union Station was selected was because it provided parking to commercial buses, which has not been something that they have been afforded in the past. They have only been allowed to drive around the city or sit and stand in neighborhoods, et cetera. And that has always been an issue.

And it was also very difficult to reconnect groups of people with their bus companies. They ended up walking a considerable distance at the end to get those buses.

So sort of the solution was to find a place that was a hub, if you will, that provided shelter and amenities, bathrooms, and stores, et cetera, and then the solution would come from, you know, the people involved in moving people of how to get them up to the CVC, should they use that hub as a central location to park buses and off-load people.

And I believe one of the solutions was the Circulator bus system. But also it was incorporated into a much larger plan where the CVC would not just be the focal point of the city attractions, that they would interconnect with other attractions along the Mall. So the Circulator bus system that runs along the Mall would also run up on Capitol Hill, as well as the Circulator system that is pri-

marily used for Union Station to the CVC, to the eastern corridor, to the stadium.

So that was some of the background of why they chose that location as a central drop-off point.

Ms. WASSERMAN SCHULTZ. Thank you for your indulgence.

Mr. Latham.

Mr. LATHAM. Thank you, Madam Chairman. I share your concerns.

I have the honor every year of getting up and having a 6:30 breakfast with about 120 people from the Ogden, Iowa, high school, which was this morning. So if I am a little sleepy today that may be why.

MANAGING LARGE TOURIST GROUPS

I just could not help, sitting there with this large group of people with three buses outside; if they go to Union Station, the group will be broken up.

Chief, maybe you know the answer—is there any study, or any way to know for sure whether it is actually more secure to have people get off one bus, out of their group, commingle with a lot of other people, then get on another bus to come up to the Capitol? It seems that you would almost have a better security setting with a group that is kept together. Is there any way of screening down at Union Station? How can you say it is more secure to do it this way versus having them kept together?

Chief MORSE. Yeah, just with respect to the vehicle itself, not the people. The vehicle can obviously—a vehicle that size can be very dangerous in the wrong hands.

With that being said, we go back to assets and resources of the police department in order to do that screening in a location that affords us the opportunity to park that many buses and screen them prior to entering the grounds. So it comes to, an assets-resources situation.

And so the answer is "no," there is no study or anything. But I would agree with you that the separation of groups and such would be very unorganized and that type of thing with school children; and we have to find a way to fix that.

With regard to the buses, buses can be screened and buses can then be rendered safe. But it takes people, it would take other assets and resources in order to do that, as well as space.

Mr. LATHAM. Ms. Rouse.

LARGE GROUPS—BEST PRACTICES

Ms. ROUSE. Yes, I just wanted to add and reinforce the notion that many large groups still would be dropped off on the West Front. We will have Visitor Assistants on the ground there who are trained and accustomed to knowing that you have groups of 150 getting off three buses, and they are going to come into the Capitol Visitor Center at a certain time if they are taking an historic tour.

Also I was reminded by staff that if they are coming down from Union Station and if their bus company opted to park there and have tourists unload and then come on over, those buses from the Circulator are 60-passenger buses. So that would be an option for

many more people if they want to get on the bus for a short, four-block ride.

A lot of this will come down to us using the best practices of many large institutions who corral staff and kids all the time. You greet them, you orient them, you make sure they are prepared, and then you make sure after they get within your building they are also escorted appropriately.

There is a lot that we are going to implement that we know works successfully. And, of course, there are things that we will have to learn.

Mr. LATHAM. You said, Chief, there are 75 bus parking places at Union Station. Do you know how many of those are contracted out already?

Chief MORSE. I do not.

BUS VOLUME—ENHANCED SECURITY

Mr. LATHAM. There are about a thousand buses that come into town during the spring and fall, every day—I mean, various kinds. I just would be very concerned about capacity down there, and also—I do not see how you have enhanced security by breaking groups to where you don't know who they are. And you say you are screening the Circulator buses and passengers at Union Station? And you are going to be there as far as screening the buses and the passengers at Union Station?

Chief MORSE. The Circulator buses and Metro buses do not have compartments that are hidden, compartments that can carry those loads. So we do the screening of those buses prior to entering the Hill at the truck interdiction, large vehicle interdiction points around the Capitol complex with officers who are outside.

PROPOSED BUS PLAN

Mr. LATHAM. Do you know if that is going to take more of your efforts? Do you know the amount of overtime in your budget request for this operation as far as the additional efforts you are going to have to cover the Circulator bus plan?

Chief MORSE. With respect to the Circulator bus plan that is being proposed, existing assets and resources would cover that.

If I could, the truck interdiction program was a program that was initiated without FTE, so that is all backfilled with overtime. When the additional Circulator bus system from Union Station is incorporated, it would be no different than the current buses and Metrobuses that we screen very quickly and allow to access the Hill. However, if any streets that are currently closed were to be opened for that transit, then it would in fact drive more or additional overtime.

So it is from existing overtime that we currently operate the truck interdiction program. So it would be at no additional cost, based on this proposal by DC–DDOT.

Mr. LATHAM. Okay. Thank you.

Ms. WASSERMAN SCHULTZ. Ms. McCollum.

Ms. MCCOLLUM. Thank you.

DROP OFF CONCERNS—INCLEMENT WEATHER

I think it is good to raise concerns about the drop-offs, but I think that this is something that should be under a close scrutiny and a lot of monitoring the first couple times, with feedback from individuals.

And different groups are going to be set up different ways. I did not make much money, but I spent summers running day camps for YMCA. And so I did big-group things. And the difference is going to mean what your ratio is to students, the age of the students. There are going to be a whole lot of factors involved.

But the one thing that happens here quite often is inclement weather and rain. And so if someone is planning on walking those four blocks getting off of a bus, folks knowing that the Circulator is an option, or do the Circulators at some point become overwhelmed because they are not dedicated to the CVC.

I think there are some questions, but I think you can come up with some best practices. But there really needs to be really good information going out to the groups—how far they are going to be expected to walk what they could do with bad weather.

And, you know, every State has different regulations on field trips, every school district has different regulations on field trips. So there are best practices as to breaking up your groups ahead of time. That is what we used to do, so people knew what group they were in. And we did things with color coding.

I mean, you see that, and you have done enough field trips with your kids. But I really do think thinking ahead is probably a good idea, because one lost kid on the Capitol complex is not going to be great.

PAVER ASSESSMENT

I would like to learn more about the pavers, because I would like to be able to tell my constituents that are going over to the Senate that they can walk through outside and not take the extra walk. Tell me what is going on with the pavers and when we can get this fixed.

Mr. UNGAR. Yes, ma'am. As you probably know, if you look out on the plaza now, you will see many of the pavers are chipped. Some of them are moving and—expanding as well as contracting.

We have retained an outside consultant, an expert engineering firm, to come look at the situation and assess it. They finished their study. They gave us a preliminary report about a week ago for us to fact-check. They asked us to do a little more survey work on the plaza, which we have done.

We are expecting a draft report from them this week. We have set up an AOC panel to assess that report. Then we are going to go ahead and give it to the contractors involved and give them a chance to look at it. At the time that that is happening, we are going to be looking at the options.

We know we have a problem. We know we have to fix a good portion of the plaza. And we are going to look at each option, cost, time frame associated with it, durability, quality, and so forth.

Ms. MCCOLLUM. Mr. Ungar, if I can ask a question, I am assuming that when you put the contract out for the pavers there were

specifications what the weather is like, you know, what the weight is. Why are we doing all of this and not the person who has the contract?

Mr. UNGAR. Well, there are actually two major contractors involved, ma'am. One was the architect who designed the plaza. The second was the contractor that installed the pavers in the system. What we had to find out was, what is the cause or what were the causes of the problems that we are having? Are they design related? Are they installation related? Or is it a combination thereof? That is what we have asked our engineering consultant to determine.

That is what we need, to first get a definitive assessment of the cause and then determine what we need to do to fix it and how to fix it. So we have to involve both the designer and the contractor that installed it in this process that we are going to get through.

PAVER CONTRACT RESOLUTION

Ms. MCCOLLUM. If someone did not live up to what was specified in the contract, I am assuming that they would be responsible for making it right and absorbing those costs.

Mr. UNGAR. That is correct. Our difficulty will be a practical one. It will probably take some time to sort that all out from a contractual and a legal standpoint.

What we are going to do, so that we do not have to wait for that process to unfold, is once we get our assessment complete, reviewed and get the comments back from the contractors. Our plan is to proceed, then we will work out the responsibility part of that as we proceed. But we do not want to hold up work waiting for that to be completed.

Ms. MCCOLLUM. Have you held up payment or portions of payment?

Mr. UNGAR. Not specifically for pavers at this point, we have not. Most of the plaza was installed some time—ago. So the payments have been made. There is some retainage that has been held back but its applicability to this situation is uncertain. What we would do now is go back to the appropriate parties and then seek payment, reimbursement for whatever portion it is deemed that they would be responsible for.

Ms. WASSERMAN SCHULTZ. The gentlelady's time has expired.

Ms. MCCOLLUM. I asked for the time frame. The time frame?

Mr. UNGAR. Well, in terms of getting all the issues sorted out, we hope to have all those sorted out by June or early July. Then we need to solidify what we are going to do and get congressional stakeholder input on the fix and the timing.

Our assumption is we may have to stage this, because we do not want to have the plaza torn up 100 percent all at once. We may be able to start sometime in the summer. It is not quite clear yet how long it is going to take us. We do not know which fix we are going to go with, how much of the plaza we have to work on, and exactly how much time that is going to take.

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

Mr. Bonner.

TOUR DROP OFF RE-EVALUATION

Mr. BONNER. Thank you, Madam Chair. And I associate my concerns with you, as others have already. Just a couple observations, and then to try to get a couple questions in.

Ms. Rouse, just for the record, people have been dropping buses and tour groups have been dropping people off down at the foot of the Capitol on the West Front because that is the only choice they had. The East Front was closed. So to say that was an act of choice as opposed to an act of necessity or convenience, I think—and we have got the Acting Architect here who can correct me if I am wrong. But I think the original Capitol cost $1.4 million in the 1790s. We are talking about a $621-million new Visitor Center that we are all excited about, and we are still going to tell people they have to get off four blocks away or go to Union Station and get on a Circulator bus and potentially pay a dollar.

It is appropriate we are having this discussion on April 15th, tax day, when millions of Americans are writing their checks to fund the Federal Government. But I think the record should note that they are letting the groups off there because that is really the only choice they have at the present time.

Ms. ROUSE. For the last 7 years it has been the practice. The West Front allows the buses to be able to turn around. Coming down First Street, there is not that opportunity to drop people off and head the other direction.

There is a lot of traffic along First Street. One of the studies that we are going to do and we will have for you next month is a pedestrian study of what traffic will be on First Street with the Library of Congress and the CVC both having people crossing the street. It is something we definitely have to look at.

CIRCULATOR BUSES

Mr. BONNER. Are the Circulator buses currently purchased and in service or available, or are we going to have to purchase those as well?

Ms. ROUSE. The Circulator buses are DDOT's buses. They are in use. You see them often, the red buses going down various routes. I believe that DDOT is purchasing additional buses, the slightly larger ones that they would intersperse on the route for the uses of the CVC. It also goes on to the stadium. So it is servicing this side of town.

Mr. BONNER. Do you know how much those buses cost?

Ms. ROUSE. I do not know. I can get that for you.

[The information follows:]

Question. Do you know how much those buses cost?

Response. The Washington Metropolitan Area Transit Authority (WMATA) owns and operates the Circulator buses. Their rough estimate regarding the cost to purchase five buses is an initial $2.3 million, with annual operating costs (including labor, fuel, and maintenance) of $1.6 million.

The CVC is working diligently to comply with security standards for the U.S. Capitol while ensuring that all visitors are able to comfortably and easily reach the Capitol. Currently, charter buses drop visitors near the West Front of the Capitol. Other visitors use the Metrorail system or metrobuses, drive and park, or walk. In addition to these currently available transportation options, in spring 2009, WMATA may change a current Metro bus line to a Circulator route operating between Union Station and the Washington Navy Yard. The WMATA has informed the CVC that

it will add a bus stop at First Street, NE., to this route to allow visitors to disembark in close proximity to the U.S. Capitol.

Mr. BONNER. It would be useful to know because—Chief, I am not trying to compare apples and oranges, but some of us have been to the border, on border trips, and we have seen the technology where 18-wheelers can pull through and like a body scan at a hospital, they can determine whether someone is illegally coming into the country or they are bringing drugs or weapons or something else.

It seems to me the technology is there. I know it requires additional resources. But it also seems that you would be able to say in a balance, well, this option is going to cost us X and this option is going to cost Y. And it—I think it would be useful for the committee to know what are all the options you have.

Maintaining security, obviously, is a primary concern, but also convenience to the American taxpayers.

TRANSPORTATION PLAN COORDINATION

What groups have—and, Chief, I guess this question goes to you or to the head of the CVC—what groups have you met with regarding the transportation plan for the CVC? Specifically, have you met with some of the bus companies that bring these tens of thousands of visitors to their Nation's Capital?

Ms. ROUSE. We have been meeting, since we were discussing transportation, with DDOT. We have met extensively with DDOT. I have not personally met with the bus tour operators; however, our consultants have been involved with discussions with them, as we have had discussions with Union Station. So that is the level of conversation that we have had.

We do know that the bus operator groups are very interested in the renewed entrance to getting to the CVC.

Mr. BONNER. Okay. If I can get two more quick questions.

CVC MAIN ENTRANCE—CAPITOL ACCESS

Ms. WASSERMAN SCHULTZ. Sure. Go right ahead.

Mr. BONNER. All right.

First, there was an article in Roll Call, I think yesterday or maybe today, that talked about the possibility that visitors meeting in the congressional office buildings would also have to use the CVC main entrance to come over to the Capitol. Is that currently the plan?

Chief MORSE. That has always been the assumption, yes.

Mr. BONNER. So we have constituents that are waiting in our office to meet with us, they need to come over to the Rayburn room to meet with the chairwoman, and they will have to go up to the CVC to enter the building?

Chief MORSE. That has been the assumption, yes.

Mr. BONNER. Well, that will be very convenient, I am sure.

GIFT SHOPS

And I guess one other question that was raised in the last briefing was the comment or the conversation about the gift shops. Cur-

rently, as I understand it, the gift shop in the Capitol is run by the Capitol Historical Society; is that correct?

Ms. ROUSE. Yes, in the crypt.

Mr. BONNER. And yet the new gift shops will be run by the House and profits will go into a revolving fund back into the CVC?

Ms. ROUSE. No. Let me correct that for you.

Mr. BONNER. Thank you.

Ms. ROUSE. The CVC's gift shops will be run by the CVC, by the staff, and we will have about 19 people to run those. We will buy products, some products from the House and the Senate gift shops. We will also be developing our own product lines and looking at various things.

The profit or excess cash over the cost of product will go into a revolving account. Once a year that excess, if there is any at all, will be reviewed by the oversight committees to determine if we continue to invest it back into product or how would we use it.

CVC AND CAPITOL HISTORICAL SOCIETY DISCUSSIONS

Mr. BONNER. My concern is, what happens to the Capitol Historical Society? I assume that some of their operating money comes from the operation of the gift shop.

Ms. ROUSE. Yes, it does. I talk to the Capitol Historical Society quite a bit, sir. We have been negotiating with them over the last several months. As we speak, we are waiting to get a document from them.

We are hopeful that the CVC will be entering into a merchandising agreement with them; that we will be buying their products. They have some wonderful things. Their mission and vision really ties a lot to what we are about; and as an educator, I appreciate what they have done. Hopefully, we can continue to partner with them on a variety of things.

Hopefully, by this time next month, we will be able to say that we have worked something out.

Mr. BONNER. Thank you.

Ms. WASSERMAN SCHULTZ. Thank you so much, Mr. Bonner.

Ms. Lee.

Ms. LEE. Thank you very much, and good morning. And let me welcome all of you and thank you very much for your hard work and your service and for getting us to where we have come, so far.

BUS FARE

And I want to thank our Chair, because I have not been that excited about this project, as you know, like many of us. But under your leadership I am becoming a little bit more excited about the opening, and especially with this team—until I heard about this dollar bus charge, bus fee.

So every time I get really excited, there are some little glitches that cause me a little bit of heartburn.

So I have to associate myself with your comments and see if we can figure out a way to not do this. Because I can see very quickly how this could exclude many, many people who would want to come.

A dollar, to some, may not be a lot of money; to others, it is a lot of money—you know, especially families with a lot of kids; espe-

cially with low-income individuals; especially with—again, with African Americans and Latinos and people who have not really benefited totally from the American dream. And so I just hope we can figure this one out.

ISSUES OF DIVERSITY

Let me thank you, Mr. Ayers, for all of your hard work with regard to the issues of diversity. The Black History Month celebration was wonderful; and I hope you have other events planned, celebrating the diversity of the AOC staff, because it is a wonderful staff, and we have many cultures represented, and many backgrounds represented. I think that is an excellent way to make sure that we celebrate everybody who works there.

On your small business, small disadvantaged business, women-owned business, diversity, inclusion, equal opportunity piece, I want to ask you a couple of questions. I have a copy of your testimony, and I was pleased to see that—that you presented, I guess, before was it the Transportation Subcommittee; yeah, Transportation—and also a copy of the small business program.

SMALL BUSINESS CLARIFICATION

Just clarify for me when you say small business, I mean, that includes small disadvantaged businesses, right, which means minority-owned businesses? That means women-owned—under small businesses is women-owned business?

It is hard for me to kind of figure out how these goals are being set. I mean, I see 8 percent small disadvantaged concerns, but yet everything is under the small business program. So can you kind of break out how you are going to do the small disadvantaged piece and the women-owned business piece?

OUTREACH EFFORTS

And then for Ms. Rouse, let me first thank you so much for all the outreach that you are doing. I understand you had a job fair; 600 people showed up. I think your work in reaching out to the congressional caucuses that represent women, people of color, people with disabilities—socially, economically disadvantaged individuals—I think that has really taken hold. And I would just like to ask you how it is working. If you can, give us just a brief update of the outcomes of some of your efforts.

But first to Mr. Ayers and then to Ms. Rouse. Thank you very much.

Mr. AYERS. Thank you, Ms. Lee.

SMALL BUSINESS PROGRAMS

Regarding the small businesses, I think—we have two programs. First is for construction contracts above one million dollars. We will include this clause that requires contractors to recruit small businesses; and "small businesses" under that definition include small disadvantaged businesses, women-owned businesses, HUBZone businesses. All of those are included under this umbrella heading of "small businesses."

The second program we have is, we have decided to set aside all of our work from $5,000 to $100,000 for small businesses. Under that umbrella of "small businesses" we have internally set aside two goals, the first is 8 percent for small disadvantaged businesses under that umbrella. The second is 5 percent for women-owned businesses, again under that "small business" umbrella. Of course, under that are also HUBZone small businesses, veteran-owned small businesses, service-disabled small businesses; there are a variety of definitions from the Small Business Administration. All of those are under this global umbrella of "small business."

Ms. LEE. Okay. Thank you very much. And I will talk to you further about that, because I want to see how it is working, how it is breaking out.

Ms. Rouse.

APPLICANT DIVERSITY

Ms. ROUSE. Thank you. We are making some progress on the hiring front. We still have 168 positions to fill.

The number of activities, the diversity of our applicants is amazing. Six hundred fifty people responding to a series of ads was outstanding; almost 200 people showing up for interviews is just a testament to all the hard work that has been done.

We do have much more work that we have to do in order to fill these positions. Key to all of this for me—is the training of everyone. The ability to have welcoming, professional trained, staff is key.

In the museum world, in the visitor world, the most important thing that can happen to a young person when they enter a building like the Capitol is, someone smiles at them and greets them, because that will be the memory that they take home with them.

So the ability for us to train and re-train our staff, on our ability to service, will make a tremendous difference on what people think about their experience. So we are dovetailing that activity with the same energy that we are working with our hiring.

Ms. LEE. Great.

VARIOUS LANGUAGE AVAILABILITY

And also the languages that are going to be provided for in the interactive features of the CVC film, do you have that laid out yet?

Ms. ROUSE. There were five languages. And the minute you—I said that—one is Spanish, and one is Korean, and I will get back to you with the other two for the record. In the years going forward, I do want to be able to have multi languages available among our Visitor Assistants, as well as our tour guides, because that is going to be key to our ability to seeing ourselves as a global center.

Our Web site will be live to the world, so our ability to communicate across that will be key.

[The information follows:]

Question. What languages will be provided for the interactive features of the CVC film?

Response. There will be five languages available in addition to English: Spanish, French, Italian, German, and Mandarin Chinese. The CVC Web site will be in English with an option to download a printable mini-guidebook in the above-men-

tioned languages. Audio information on the Exhibition Hall tour headsets will also available in English, Spanish, French, Italian, German, and Mandarin Chinese.

Ms. LEE. Thank you very much.

Thank you, Madam Chair.

Ms. WASSERMAN SCHULTZ. You are welcome. Thank you, Ms. Lee.

CVC WEBSITE NAVIGATION CONCERNS

Ms. Rouse, I want to focus on the CVC Web site and the process that visitors would go through to book a tour. At the last hearing I had asked you to go back and take a look at the Web site itself, and particularly the home page, where it did not appear that finding where you could click to book a tour was very prominent on the home page.

And for the Members, you have the mockup of the reservation system and the home page in your packet.

What progress have you made in making the tour information more prominent on the home page, as well as my very strong suggestion that you change the wording of the buttons for contacting your Senator and contacting your Representative to be "contact your Senator for a tour" and "contact your Representative for a tour," which I note you have done under group reservations; but it still says, "contact your Senator" or "contact your representative", without tour information for individual and families. Is that just an oversight?

Ms. ROUSE. We have on our template, the tour information flush right, and we are going to make it as prominent as possible. It will also appear in other, different places.

We are continuing to link into the House of Representatives, and the U.S. Senate web sites. We use those existing sites because they have the best information. That is our goal.

Of course, the rest of it is just placement language. Under the tour page, the group reservations, we did change the buttons there to help people to be able to navigate into the system. We are still looking at the notion of having the same buttons under "contact your Senator" for the smaller groups, for the individuals that might be coming.

That is where we are at the moment. Working through with our team.

LACK OF WEB SITE ICON SIMILARITIES

Ms. WASSERMAN SCHULTZ. I do not understand that answer.

There is a difference in the wording between individual and family reservations and group reservations. Why wuold you not be including a "contact your Senator or Representative for a tour" button on the individual and family reservation section?

Ms. ROUSE. At this moment, we were focusing primarily on the group reservations for doing that and trying to still firm the logistics of how that will be done for small groups, individuals and the families.

So I will get back to you to let you know how we are progressing on that.

[The information follows:]

Question. There is no indication, with individual and family reservations, a constituent can book a tour through their members. Why would you not be including a "contact your Senator or Representative for a tour" button on the individual and family reservation section?

Response. The "button" indication system currently shown on the draft Web pages shown to the Subcommittee is a working format and does not best reflect the envisioned final system. The CVC Web site will provide information to potential visitors on how to book tours through Members' offices, as well as the Advance Reservation System. The final Web site will provide clear and easy access for constituents to book tours through their Members' offices.

Ms. WASSERMAN SCHULTZ. Okay.

Is there a question mark as to whether you would use that wording? Because, again, it is the strong desire of the Members of the House and Senate not to have people default into the advanced reservation system which, the way these three buttons are laid out, is what would happen when they are interested in taking a tour.

There is nothing in the individual and family reservation section that would indicate that you could get a tour from the Member that represents you, it just says, "contact your Senator," "contact your Representative." if I want a tour, I am not interested in contacting my Representative or Senator, I want a reservation for a tour, which is the third button.

So I do not know how to make any more clear or that the Members can make any more clear that you need to clearly indicate on the button for all the reservations and all the options that a constituent can book a tour through their Member.

I do not understand. What is the problem?

Ms. ROUSE. I do not think there is a problem. It is just a question of us going through the logistics of making sure that that is what we can do. We know we can absolutely do it with the groups, and that is what we are focusing on.

Ms. WASSERMAN SCHULTZ. Who is "we," because it is actually harder for a Member's office to give a tour to a large group because we have to enlist more staff to handle the ratio of staff to constituents. It isn't difficult at all for a Member's office to handle a small group or individual family. So who is "we"?

Ms. ROUSE. The tours you are primarily talking about are staffled tours. Please let me get back to you for the record and correct any misperception I may have given here on how we are proceeding with addressing the buttons.

[The information follows:]

Question. So I do not know how to make it any more clear or that the members can make any more clear that you need to clearly indicate on the button for all the reservations and all the options that a constituent can book a tour through their member.

Response. The "button" indication system currently shown on the draft Web pages shown to the Subcommittee is a working format and does not best reflect the envisioned final system. The CVC Web site will provide information to potential visitors on how to book tours through Members' offices, as well as the Advance Reservation System. The final Web site will provide clear and easy access for constituents to book tours through their Members' offices.

MAXIMIZING CONSTITUENT OPPORTUNITIES

Ms. WASSERMAN SCHULTZ. I am getting frustrated because this is the third CVC oversight meeting in which I have gone back and forth. It might be the fourth CVC oversight hearing in which we have gone back and forth with you on making sure that we can maximize our constituents' opportunity to take a tour of the Capitol

led by our staff. And it is really, I feel like I am struggling with you in order to be able to ensure that that can still happen.

I shouldn't have to go through four oversight hearings in order to do something as simple as ensure that our constituents can book a tour and know where to go and what button to click on to do that.

Ms. ROUSE. Madam Chair, I think it is just my inability to communicate this well. As you go into "Contact your Senator," there is a button that asks if you want to take a staff-led tour. So my problem is I am having difficulty communicating what these other screens are. So I need to do a better job at that, and I will get back to you with that information.

Ms. WASSERMAN SCHULTZ. Okay, but before my time expires, I want to clearly indicate that I don't think it should be several screens later. I think on the tour page, right at the beginning, it should indicate that you can click on that button to book a tour through your Member that represents you; not contact and then click on the button that says "Take a Tour." I don't know how much more crystal clear I can be than that. My time has expired.

Mr. Latham.

ACHIEVEMENTS AND CHALLENGES

Mr. LATHAM. Thank you, Madam Chairwoman, very good.

Going back to what Mr. Bonner said, you know, we are spending $621 million. We just won awards for all kinds of architecture and what a great, great facility this is, and it appears to me we are making it difficult for anyone to get there. I mean, we are doing everything we can to keep people as far away from it, to put them at a long distance hike, doing everything we can to make it unaccessible. I just don't get it. I don't think that was ever anyone's thought to make things this difficult and confusing and convoluted.

I would hope that we could find some resolution to these problems because it doesn't seem to me that it is going to work, and we are going to have a lot of people who are not going to enjoy the whole experience because of some of the things that maybe they had to go to through to get there.

U.S. CAPITOL POLICE OPERATIONAL PLANS

Chief, you testified last week, on a different subject, that from an emergency planning and preparedness standpoint and special operating procedures, the Capitol Police are prepared for the November 2008 opening. And I commend you for those planning efforts. Once the permit of occupancy is issued, hopefully in July, what operationally will you need to do? Is there anything different at that point that you will need to do to be ready for the opening, Chief Morse?

Chief MORSE. Yes, we plan probably around 45 days to train our personnel: first of all acclimating them to the building; and then, of course, acclimating them to the technology and systems that are in place; and then having on-site training drills regarding evacuation, locking down the building, sheltering people, et cetera. Those are the preparations that we would make in line with the special operating procedures that were drafted.

Mr. LATHAM. Which you can't do until you are allowed to be in the facility and have the permit, right?

Chief MORSE. That is right.

CR IMPACT ON OPERATIONAL PLANS

Mr. LATHAM. It kind of goes back to my normal question again, but your budget request includes an increase of $7.9 million for operation in the CVC and $4.9 million in overtime. Most of it, obviously, will be in the next fiscal year. How do you handle that if we are in a continuing resolution as many folks believe we will be?

Chief MORSE. The impact is obviously significant, because we have made many attempts to save over time and redeploy our personnel. But with 21, I believe it is 21 shy of our number to operate the CVC that we are asking for in, 2009; the possibility of staffled tours through the tunnel is an additional 10; and with the opening of the new visitors experience as well as attrition, it would be very difficult. And it impacts our ability to provide a number of officers to do the job.

My biggest concern is that we would have to backfill it with overtime, and working our officers extremely long hours and many days throughout the week becomes very stressful for them. So the impact is obviously money. The impact is obviously on our officers and employees.

Mr. LATHAM. Okay.

I am sure the chairman and I would want to work with you if we get into that situation. Backtracking to my earlier question, does anybody step back and say, we are just really trying to make it as hard as possible?

Chief MORSE. Well, I definitely don't want to make it difficult.

Mr. LATHAM. We are doing everything we can it seems like.

Chief MORSE. I am willing to, and I have been working with everyone regarding the security requirements. And I think that Congressman Bonner asked for various solutions. I think we can offer various solutions and options to meet your concerns.

CVC—A WELCOMING EXPERIENCE

Ms. ROUSE. I think that we will provide a much greater experience for people. First of all, you will be able to get through eight different magnetometers at a rate that, right now, the Capitol Police is not able to do, so the speed with which people can get into the building will improve. They will be able to get into an environment that is air conditioned; you have benches, and you can use rest rooms. Part of the frustrations of visitors is often how uncomfortable they are for that waiting moment. Part of our whole welcoming approach is to make sure that we minimize that and they can get into an environment where they can get a break from it.

We can't control how long it takes them to walk up from Smithsonian, unfortunately, but many people will be coming up from places like American History and Air and Space up to the Capitol. Once they get to us, we want to make that a welcoming experience. Smithsonian does a very good job of making it welcoming. So, I do think we need to be mindful of that.

As part of that, we also want to make their dwell time within the CVC pleasant as well, so there is a restaurant moment. There is a restroom moment. There is an entertainment moment.

Mr. LATHAM. Is this part of the script for the day?

Ms. ROUSE. No, unfortunately. It is what we are doing, taking greeting 3 million people very seriously.

Mr. LATHAM. The problem here, it is 100 degrees outside sometimes in July and August, and you are making people walk a minimum of four blocks in very, very adverse conditions to get to the place, at a minimum. I mean, that is my concern.

Thank you, Madam Chairwoman.

Ms. WASSERMAN SCHULTZ. You are welcome, and I share your frustration as well, Mr. Latham. I really do.

I am sorry, I am going to turn it over to you in a second, Ms. Lee.

But we are now moving from the point where we have had for the last year our almost exclusive focus on the construction of the facility, which is 99 percent complete, which we have repeatedly and consistently for the last several hearings been able to hear a report, at least since November when you, the project partners, got together and agreed on the cost to complete and the opening date, and that has not shifted. It is allowing us to focus more on the logistics of your operational plans.

CONSTITUENT CONCERNS

And, you know, at the end of the day, you need to understand that we as Members are going to bear the brunt of the criticism and the concern and the complaints when we have frustrated constituents who are the parents of hot, crying little kids, or senior citizens who are passing out from heat, or people who are frustrated that they have already had to reach deep in their pockets to pay for the field trip to get their kids up here, and on top of that, now it is another dollar to put them on a circulator bus. And we are separating those kids and making them wait for I don't know how long until they actually get to the facility.

And you know, I know this seems harshly critical of your plans, and I know you have an incredible amount of experience, Ms. Rouse, and I have confidence that you have the ability to make this process smooth.

But, Chief, I realize that the CVC is designed so that we can keep the Capitol secure, but the Members have always been really very, very mindful of not making the Capitol into a fortress. And that is something that I just ask that you keep in mind.

And thank you, Ms. Lee.

Ms. Lee.

Ms. LEE. Again, I have to associate myself with your remarks. I won't go through that.

I think bottom line is people have to feel that their experience was worth it and that they had a pleasant experience to be able to benefit from all of the good stuff that they are going to learn and witness. Oftentimes just the experience of getting there, going through whatever they are going through overrides what they really are there to participate in. So I think that is going to be very important. Otherwise, it will all be for naught.

COST OVERRUNS AND CHANGE ORDERS

Let me go to the subject of cost overruns and change orders. From what it looks like, and I have to ask you if this is the case, some change orders have been closed, yet there are new proposed change orders which almost means there is a wash in terms of actual closing of change orders. So I would like to find out what is going on, what the number of outstanding proposed change orders are, how much, and where did you think this will land?

And before you respond, because I wasn't at the hearing last week, let me just welcome—is it Ms. Jarmon—the new Chief Administrative Officer of the Capitol Police. It is wonderful to see you. Good luck, and we are here for you. We had six hearings, I think, last week at the same time, so I didn't get a chance to say "hi" to you, but welcome.

Mr. UNGAR. Yes, Ms. Lee, on the change orders, both the number and the dollar value of those over time have come down. Although, if you look at it in the last several months, you are absolutely correct; the number that we were able to settle is basically about the same as the new ones coming in. The reason for the new ones coming in is that, even though we are 99 percent complete, we are identifying issues and problems as we proceed to finish the facility. We are having inspections by the Office of Compliance. The Fire Marshal is conducting his Acceptance Testing, and there are issues that come up there that we have to address.

So for the next 2 months, we will probably have additional changes, and proposed changes coming in. We will still be settling the ones that we have, but we probably aren't going to see an appreciable drop for probably the next 60 days. I suspect that, afterwards, we will see a drop because we will be closing out and settling more than we will be opening.

PROPOSED CHANGE ORDER ESTIMATES

Ms. LEE. What do you think the dollar amounts of the new proposed changes are?

Mr. UNGAR. Right now the dollar value of the proposed changes is roughly under $30 million. However, when we look at that, about four of those proposed change orders account for over a half of that dollar amount. And secondly——

Ms. LEE. These are for what, what are they for?

Mr. UNGAR. Well, could I provide that information?

[The information follows:]

Question. What four proposed change orders account for about half of the slightly under $30 million in proposed change orders that are currently open for the CVC project?

Response. [*Clerk's Note: This information is procurement sensitive and will be kept in committee files for a limited period of time.*]

Ms. LEE. Sure.

Mr. UNGAR. These are procurement-related issues. I would rather not say publicly, but we can get you that information.

The other point I would like to make is that most of those, however, of the new ones or the ones we haven't settled are under $20,000. Historically, about 30 percent of those that we have got don't go through; they are rejected or voided. So we probably won't

be seeing all of that $30 million come to fruition in contrast modification.

Ms. LEE. Just for the record, the Chair has informed me that the change orders are within the $621 million.

Mr. UNGAR. Correct, yes.

Ms. LEE. So we are not talking about anything above that?

Mr. UNGAR. Right.

Ms. WASSERMAN SCHULTZ. I just wanted to make sure we have that clear.

CANNON TUNNEL AND STAFF-LED TOURS

The only other question I have relates to the Cannon tunnel, the issue of staff-led tours, and I know you have included in your budget request, Chief, an additional 10 officers in the event that Congress does decide to continue to use the tunnels, which would be much to your dismay, I recognize, for staff-led tours. Is your plan designed, in the event that Congress does decide to do that with those 10 officers, that pretty much we would utilize the tunnels in the event of inclement weather, whether it is too hot or raining or something like that? Or is that plan just in general that we would switch to a main CVC entrance as well as a utilization of both tunnels?

Chief MORSE. I think that the plan would be to utilize both and certainly the tunnels for inclement weather and situations not conducive to people standing outside or whatever.

TUNNEL CHALLENGES AND CONCERNS

The only concern I have with the tunnels, and I have expressed this before, is that they are very tight. The air flow is poor. The lighting conditions are poor. And it is very difficult to evacuate or help people in that type of environment. It is not very welcoming. It is not a situation that many like to be in.

So, with the front entrance of the CVC being so grand and open, and obviously the technology there to screen a very high volume of people, it is optimum. But we realize that there are concerns and assumptions may change. And I think, from the beginning, we have planned out various assumptions that could change and if we needed people or resources to get that done, so we put the 10 in the 2009 budget in the event that that were to occur.

The only other challenge we have, and this is regarding the CR, was not being able to hire those folks and have them trained in time to do that service. So that was why it would require CVC entrance and the overtime.

OPERATIONS PLANS FOR INCLEMENT WEATHER

Ms. WASSERMAN SCHULTZ. I understand. Just to make a note, that decision has not been made by our leadership yet. As far as whether or not the main CVC entrance would be used exclusively or if we would use, all of the time or part-time for inclement weather, the Russell and Cannon tunnels. Correct?

Chief MORSE. That is correct.

Ms. WASSERMAN SCHULTZ. Mr. Latham.

Mr. LATHAM. Nothing further.

CHAIR'S CLOSING REMARKS

Ms. WASSERMAN SCHULTZ. Well, this has been an informative hearing. I am glad we were able to air a lot of the concerns, because that is the only way we will be able to make sure that the CVC, when it does open, that we have this most smooth and efficient and exciting opening and then beginning phase of the CVC as possible, because as beautiful as it is and as much time and effort and money that have gone into building it, we don't want to have reports from constituents who walk away frustrated and/or who arrive in the CVC grouchy and in a bad mood to start with and less open to the experience. We have all been through that when we have been in various vacation situations; no vacation is perfect. We would like to have the CVC be part of the perfection of someone's vacation.

Mr. LATHAM. Never in Florida, though.

Ms. WASSERMAN SCHULTZ. Of course, never in Florida. That is right.

HOMEWORK—PAVER DAMAGE

I do want to focus in terms of the homework, Mr. Ayers, on pavers, because we talked about the damage to the pavers on the East Front Plaza at a number of our hearings so far, and today GAO noted in its statement that substantial rework may be required to prevent further damage. There are a few features of the Capitol Visitor Center Project that are going to be more visible than the new plaza, so I want to make sure you have a well-thought-out plan to address the damage to the pavers.

With that in mind, by May 30th, I would like the Architect of the Capitol to submit its plan for repairing the plaza pavers moving forward. This plan should include a general schedule for these repairs; an explanation of how you will ensure the repairs don't impact the Presidential inauguration; and a general outline—we are not looking for chapter and verse here—but a general outline of what will need to be done to address the situation. So if you could provide that to us by May 30th.

And with that, the subcommittee stands in recess subject to the call of the Chair.

Hearing on the Capitol Visitor Center
April 15, 2008 at 1:30 PM
Rayburn 2359

Additional Assignment from the Chair
Ms. Wasserman Schultz, Chair

We've talked about the damage to the pavers on the East Front plaza at a number of our hearings so far, and today GAO noted in its statement that substantial rework may be required to prevent further damage. There are few features of the Capitol Visitor Center project that are going to be more visible than the new plaza, so I want to make sure you have a well thought out plan in place to address the damage to the pavers. With that in mind, by May 30th I would like the Architect of the Capitol to submit its plan for repairing the plaza pavers moving forward. This plan should include a general schedule for these repairs, an explanation of how you will ensure the repairs don't impact the Presidential Inauguration, and a general outline of what will need to be done to address the situation.

Response: [*Clerk's Note: This information will be kept in committee files for a limited period of time.*]

Hearing on the Capitol Visitor Center
April 15, 2008 at 1:30 PM
Rayburn 2359

Questions for the Record
Mr. Tom Udall

Landscaping

Mr. Ayers, I know that we haven't discussed the landscaping associated with the project at length, so I would like to know how it is going.

Question. Are the landscaping projects on schedule? Will they also be finished by opening day?

Response. When the CVC is completed, the East Front of the Capitol and its Grounds will more closely resemble the 1874 Frederick Law Olmsted vision than is true of the grounds as they existed before construction began. The new plaza will provide visitors with places to sit and enjoy views of the Capitol. Reflecting pools surround two large skylights and compliment the original Olmsted fountains, which have been dormant since the 1970s, but are now fully operational.

Major portions of the landscaping associated with the Capitol Visitor Center project has already been completed (sidewalk installation, sod placement and plantings, restoration of the House and Senate Triangles, and the planting of new tulip poplars at the entrance to the CVC last year). The landscaping between the CVC main entrances and First Street, NE/SE will be completed before the CVC opens to the public. In addition, the landscape plantings for the House and Senate "eggs" will be completed by the AOC's Capitol Grounds Division this fall, and they will be responsible for maintaining the East Front Grounds, along with the rest of Capitol Grounds, as the areas are restored.

It is my understanding that trees that were on the premises were removed for construction, and some were to be returned to the grounds as the project is completed.

Question. Have any of these been returned successfully to the East Front of the Capitol? How about those that were kept on the complex during construction? Have you been able to retain their health?

Response. The Capitol Visitor Center project was carefully conceived and designed to keep impacts to the Grounds to a minimum. As a result, the trees within the construction footprint are healthy and doing well as a result of our preservation measures, described below.

In an effort to preserve the historic landscape of the East Capitol Grounds during construction of the Capitol Visitor Center, tree preservation experts were hired to monitor and protect the more

than 300 trees near the project area. To enhance the trees' ability to survive the stress of nearby construction, crews pruned and treated each tree with special fertilizers and they aerated and mulched the soil around each tree. In addition, a new irrigation system was installed in the ground and a canopy misting system was installed in the canopies of those trees nearest to the project perimeter so that construction dust could be washed off leaves as necessary. Finally, several memorial trees in the project footprint were dug out and relocated to safe locations elsewhere on the East Capitol Grounds.

Trees that are in close proximity to the site of the Capitol Visitor Center construction are protected by some or all of the measures described below, depending on the extent of the impact of construction:

- **Tree protection fencing** and signage surround all trees in the project limit protecting them from construction and public intrusion;
- **Special fertilizing** to feed the trees so they can store energy;
- **Root pruning** in areas where construction and utility corridors impinge upon a trees root zone;
- **Root biostimulants and root wetting agents** to promote root growth and keep the roots moist;
- **Vertical mulching** to relieve soil compaction, whether it is existing or caused by construction;
- **Mulching** around the trees to help keep the ground moisture fairly constant;
- **Root aeration matting** to resist compaction by heavy equipment in areas such as site access roads and staging areas;
- **Temporary sprinklers** to keep trees watered and using tensiometers to monitor soil moisture and keep it at an optimum level;
- **Canopy misters** to allow washing down of the trees foliage when dust drifts from construction.

Of the 68 trees that were removed to clear the project footprint for construction, more than 75 percent of them were old and in serious decline. For example, most of the tulip poplars lining East Capitol Street were nearly 70 percent hollow and would have soon posed a serious safety hazard for people walking below. When the new landscape is completed, 85 new trees will be planted, 17 more than were removed. Of the 13 memorial trees within the project footprint, eight were successfully transplanted. The other five were deemed too sick or old to survive the stress of a transplant. In all 13 cases however, arborists took cuttings from the original memorial trees so that the direct offspring of those trees could be planted on the East Capitol Grounds. We also relocated nine non-memorial trees from the construction footprint. Last year, a new memorial tree was planted on the East Front, and another will be planted there later this spring.

Change Orders

In your testimony, you state that most new change orders are coming in below $10,000.

Question. How many change orders are currently outstanding? What is the average length of time that a change order has been outstanding?

Response. Currently, there are approximately 370 open proposed change orders, of which approximately 65 have been settled and are in the process of being converted into a contract modification.

For the 770 proposed change orders that have been closed through mid-March 2008, under Sequence 2 of the CVC project, the average proposed change order was open for about 160 days. This includes proposed change orders that have been accepted and converted into a contract modification. It is important to note that proposed change orders are typically opened immediately when an indication arises that the Government may be exposed to additional costs. This is done largely to identify potential budgetary implications and allow for the reservation of funds, if deemed appropriate at the time. When a proposed change is deemed to be necessary, it usually takes some time to establish the scope of work and a Government estimate of the cost, obtain a proposal from the construction contractor, reach agreement with the contractor on the terms of the modification, and execute the modification to the contract. Furthermore, when a change is needed, the timing of the new work varies. In some cases it is needed immediately. In other cases, the actual work may not be needed for some time. Situations also exist in which work must begin before a contract modification can be fully executed. In these cases, we authorize the work to begin pending execution of the formal contract modification.

Advanced Reservation System

Ms. Rouse, I have some more questions on the Advanced Reservation System. We have talked a lot about the website and I am sure that as the internet based reservation system is put in place, many people will be able to take advantage and avoid the lines once they get to the CVC. However, in my district, the digital divide is a real thing and many of my constituents do not have internet access readily available.

Question. My question is about the process in place for those that do not have internet access or cannot make an advanced registration. I want to be sure that there will continue to be a system in place for those who cannot access the website. Do you have plans in place on how to accommodate those people, whether it is other ways to schedule a visit through your office or sufficient staff to address people who don't make an advanced reservation?

Response. There is currently a phone system operated by the Capitol Guide Service that allows potential visitors to call for information about visiting the U.S. Capitol. This phone system will be modified to enable tourists to request advance tour reservations. Visitors also will be able to make reservations at the Capitol Visitor Center or at any of the kiosks. Visitors will continue to be able to call or visit their Member's district or Washington, D.C. office to request tours.

WEDNESDAY, MAY 7, 2008.

TESTIMONY OF INTERESTED INDIVIDUALS AND ORGANIZATIONS

NATIONAL FEDERATION OF THE BLIND

WITNESS

JOHN G. PARÉ, JR., EXECUTIVE DIRECTOR FOR STRATEGIC INITIATIVES, NATIONAL FEDERATION OF THE BLIND

OPENING REMARKS—CHAIR

Ms. WASSERMAN SCHULTZ. Good morning. I would like to call the meeting to order of the Legislative Branch Subcommittee on the House Committee on Appropriations. This morning we are here for our annual public witness hearing. It is an opportunity for the staff or employees of our legislative branch agencies and organizations that are served by them to provide us with input on a variety of issues, some related to the appropriations process and others clearly related to the internal workings of the agency. But we provide this opportunity so that we don't only hear exclusively from the leadership of the agencies.

I look forward to hearing the testimony of each of the people coming forward. And Mr. Latham, if you have anything.

OPENING REMARKS—MR. LATHAM

Mr. LATHAM. Yes. I just wanted to thank the chairman for accommodating my schedule this morning. I appreciate that very much and I look forward to hearing the testimony. Thank you.

Ms. WASSERMAN SCHULTZ. No problem. You are welcome. You have accommodated mine.

Okay. So with that I would like to welcome our first witness, who is already at the table, Mr. John Paré, who is the Executive Director of Strategic Initiatives at the National Federation of the Blind.

Mr. Paré, your full statement will be in the record. Please proceed with your 5-minute summary. And I will ask each person who testifies to strictly limit yourself to 5 minutes because we have many people who wish to testify today.

Mr. Paré.

OPENING STATEMENT—JOHN PARÉ

Mr. PARÉ. Absolutely. Thank you, Madam Chair. My name is John Paré, and I am the Executive Director of Strategic Initiatives at the National Federation of the Blind.

TALKING BOOKS DIGITAL CONVERSION

On behalf of blind Americans, the National Federation of the Blind urges you to fully fund the transition from obsolete cassette technology to digital talking books over a 4–year period. If the conversion to digital books is extended from 4 years to 6 years, the Library of Congress has said that hundreds of thousands of Americans will not have access to new books for up to 3 years. Twenty-seven percent fewer books will be available during the transition period and 1.7 million books will be permanently lost.

Imagine blind high school students not having access to new books for the entire time they are in high school. Imagine blind parents not having access to new books about infants until their child is no longer an infant. Imagine older Americans not having access to new medical information until it is too late to use the information. This is what the current 6–year transition will do to the blind of our Nation.

This is no small matter. It affects the lives, the futures and the destinies of an entire class of human beings. One of the most common experiences encountered by any blind person is being told to wait. The lives of blind people are important, yes, but not as important as something else. Wait, we will get to you. We will get to you as soon as the current emergency has come to an end. We will get to you as soon as the other priorities have been met. We will get to you as soon as the other important things have been managed. Wait.

Is it any wonder that sometimes blind people feel as if something needs to be done now? Is it any wonder that blind people have trouble understanding why everything else seems to be so important but our lives can be conveniently moved to the back burner? Is it any wonder that when the National Library Service determines that a modest sum is needed to give us literacy, that we feel betrayed by public officials who tell us that one more time we must wait.

Literacy has meant that blind people have capacity, but it has an even greater significance. The literacy of blind people is a mechanism for the blind to gain inspiration and hope. We read about what others have done and we imagine that we could do likewise. A book in the hand today frequently means an act of courage in the future.

This is what literacy has meant to us. More reading, more recreation, more participation in community activities, more education, more employment, more contemplation of a brighter tomorrow, more building, and more joy.

On March 19, 2008, 87 of your colleagues wrote to urge you to fund the transition over a 4-year period. Madam Chair, time is running out. The Library has already distributed the last new cassette player needed to play the special four-track cassettes. Equality is not something that can be dispensed with in times of fiscal austerity. Equal opportunity and equal access to information is fundamental to our democracy and our American way of life.

Madam Chair, the blind of this Nation urge you to fund the transition from obsolete cassette technology to digital talking books over a 4-year period. Thank you.

[The prepared statement, disclosure form, and résumé of Mr. Paré follow:]

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 7, 2008

Madam Chair, my name is John G. Paré, Jr. I am the Executive Director for Strategic Initiatives at the National Federation of the Blind. My address is 1800 Johnson Street, Baltimore, Maryland 21230; my telephone is (410) 659-9314, extension 2227.

I am testifying here today on behalf of the National Federation of the Blind. I appreciate the opportunity to appear before this committee and to comment on the Talking Book program of the National Library Service for the Blind and Physically Handicapped of the Library of Congress (NLS).

The National Federation of the Blind is the largest 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. We are consumers of the NLS program.

Within the walls of the Library of Congress originates the only comprehensive collection of scholarly and literary material available to the nation's blind population. The blind of America do not have access to this nation's seventeen thousand public libraries or its abundance of booksellers. If a blind student is working on a paper about the War of 1812, that student cannot go to his local library for research; he must contact his regional NLS library to receive books on that subject. An elderly blind person, who may well be confined to her home by other disabilities, cannot rely on the local library's Bookmobile or on friends and family to bring her reading material; she must get it from the Library of Congress. The blind lawyer looking for a comprehensive analysis of Supreme Court jurisprudence on the search and seizure provisions of the Fourth Amendment to the United States Constitution cannot get that information from the public library, or even from the law library located in the local courthouse or law school. The blind programmer or Web site developer looking for tips on the latest techniques to create cutting-edge software or Web sites will not find what is needed in the computing section of the local library or bookstore. Blind Americans who are involved in civic life and are attempting to follow the latest developments in the public sphere cannot go to the local newsstand to get that information. All of these people rely instead on the books and magazines provided through the National Library Service for the Blind and Physically Handicapped. This single public library serves nearly 800,000 people–including 76,414 patrons in Florida, 65,480 in California, 34,632 in Illinois, 15,696 in Maryland, 13,865 in Minnesota,

11,275 in Iowa, 9,676 in Alabama, and 4,048 in New Mexico–and the number that it must serve will continue to grow as the population ages.

As the members of this subcommittee are well aware, the Library of Congress now relies on obsolete technology to deliver reading material to the blind. The cassette tape, which has been the primary medium for Talking Books since the demise of the phonograph record, is disappearing, and the last specialized cassette machine (which plays tapes at half normal speed to minimize the number of cassettes needed for each book and to protect copyright holders as required by law) rolled off the assembly line over a year ago. The Library of Congress must convert its existing collection to and produce new books in a digital format. Toward that end, the Library of Congress requested an annual appropriation of $19.1 million for each of the four fiscal years beginning in fiscal 2008 to complete the digital transition. For fiscal 2008, this appropriations request was denied, and the Library of Congress was given only $12.5 million for the digital Talking Book program. Madame Chair, you have indicated that this amount will not change for fiscal 2009 or for any subsequent fiscal year. This means that the digital transition will take six or more years.

The original four-year transition plan devised by the Library of Congress was designed to prevent disruptions in service to the program's patrons. If the Library of Congress is forced to implement a six-year plan instead, many patrons will experience either a disruption in their service or a complete halt to it. The inventory of new cassette machines at the Library of Congress has already been exhausted, so patrons will now only receive refurbished machines. These machines will not last as long as new machines, and it is uncertain how long parts will be available to repair them when they break down. It is very likely that many patrons will find that their cassette machines have ceased to function long before a new digital Talking Book machine can be provided to them.

The situation with regard to the availability of cassette machines is bad, but matters are even worse than that. Because it is the only public library–as well as the only newsstand–available to blind Americans, the Library of Congress does its best to provide a comprehensive collection of reading material in all literary genres and on all conceivable subjects. Even so, the NLS can only produce about two thousand titles a year (and at maximum about a thousand copies of each title), representing less than 1 percent of the books published annually. If full funding for the digital transition is not restored, however, the NLS will have to reduce the number of digital books it can produce in four years from 4.8 million to only 3.5 million–a reduction of 27 percent. Imagine the outrage that would be sparked in a community if a public library simply burned a quarter of the books it possessed, or cut its annual book-buying budget with the result that the number of books purchased were reduced by such a factor. At least in that situation, the public could travel to another library or make use of the local bookseller; the blind have no such option. To reduce the already meager number of books that the NLS produces by 27 percent is unconscionable.

The problems NLS patrons will experience do not stop with broken cassette players and fewer books. At the end of fiscal 2010, the Library of Congress will cease production of cassette copies of books in order to focus its limited resources on putting the rest of the collection into digital form. At that time, however, half of the program's patrons will not have received digital Talking Book players yet, according to the most optimistic scenario provided by the Library of Congress. It may be another three years before many of those patrons receive a digital Talking Book player. Thus, according to the Library of Congress's own estimates, perhaps as many as 400,000 library patrons will not be able to receive any new titles at all from the end of fiscal 2010 until possibly the end of fiscal 2013. Those patrons will only have access to the books contained in the historical cassette collection–assuming, of course, that they still have a working tape player on which to play them, which is not at all a safe assumption. Furthermore, the Library of Congress plans ultimately to reduce the number of cassette copies of titles produced in each fiscal year of the digital transition by 80 percent (from approximately a thousand copies of each book to around two hundred) before cassette production finally stops on September 30, 2010. This means that patrons who are still relying on cassette books may not even be able to obtain a copy of the book they want from the cassette collection because there may not be enough copies of that book in circulation. Finally, given the 27 percent reduction in digital Talking Books that will be produced as a result of the cuts in funding, even patrons who have new digital Talking Book players will have access to fewer books to play on them.

In short, Madame Chair, the reduction in appropriations for the digital Talking Book program will quickly snowball from a minor inconvenience to a complete halt to service for at least half of the patrons of the Talking Book program. For these patrons, the door to the only public library to which they have access will be barred for three years or even longer.

Madame Chair, the National Federation of the Blind is well aware that this subcommittee must fund many projects, and that there are even other funding needs within the Library of Congress. But even in a time of austerity, it is unacceptable for this subcommittee to slash the budget of a unique program that serves a population having no other source of reading material. Among the many priorities this subcommittee must consider, the National Federation of the Blind submits that maintaining the only link that most blind Americans have to literacy, information, and productivity is crucial.

On March 19, 2008, eighty-seven of your Congressional colleagues wrote this committee and said, "We urge you to fully fund the digital Talking Book Program through the allocation of $19.1 million for this purpose in FY 2009, as well as the restoration of the $6.6 million left out of the FY 2008 request."

The National Federation of the Blind is not asking this subcommittee to restore full funding to the Talking Book program out of sympathy for the blind, but rather out of a sense of fairness and the belief that all Americans should have equal opportunity. Literacy and access to information are not luxuries that can be dispensed with in a difficult fiscal environment; they are the tools that are essential for success and productivity. Cutting funding for the only public library service available to the blind is equivalent to saying that the blind have no need for education, professional development, civic participation, and intellectual stimulation. This funding cut isolates the blind from meaningful participation in American culture and society. If the leaders of this nation–including the members of this subcommittee–truly believe that literacy, knowledge, and education are important for all Americans, then you cannot and must not allow blind Americans to be denied access to those tools. Thank you.

Subcommittee on the Legislative Branch
Witness Disclosure Requirement – "Truth in Testimony"
Required by House Rule XI, Clause 2(g)

Your Name: John G. Paré, Jr.		
1. Are you testifying on behalf of a Federal, State, or Local Governmental entity?	Yes	No X
2. Are you testifying on behalf of an entity other than a Government entity?	Yes X	No
3. If your answer to question number 2 is yes, please list any federal grants or contracts (including subgrants or subcontracts) which you have received since October 1, 1996: None		
4. Other than yourself, please list what entity or entities you are representing: National Federation of the Blind		
5. If your answer to question number 2 is yes, please list any offices or elected positions held or briefly describe your representational capacity with the entities disclosed in question number 4: Mr. Paré is the Executive Director for Strategic Initiatives at the National Federation of the Blind. He was designated by the President of the National Federation of the Blind to represent the organization at this hearing.		
6. If your answer to question number 2 is yes, do any of the entities disclosed in question number 4 have parent organizations, subsidiaries, or partnerships to the entities for whom you are not representing?	Yes	No X
7. If the answer to question number 2 is yes, please list any federal grants or contracts (including subgrants or subcontracts) which were received by the entities listed under question number 4 since October 1, 1996, including the source and amount of each grant or contract: Please see attached document.		

Signature: _____ Date: 4/29/08

Please attach this sheet and your CV (resume) to your written testimony.

FEDERAL GRANTS AND CONTRACTS

Braille Certification Training
Agency: Library of Congress
2007; $441,596.70

Braille Training for Rehabilitation Personnel
Agency: U.S. Department of Education
2000; $100,000
2001; $100,000
2002; $100,000
2003; $100,000
2004; $100,000

Excel
Agency: National Aeronautics Space Administration
2005; $80,000
2006; $248,899.68

Handheld Electronic Reader for the Blind
Agency: Department of Education
2004; $149,500
2005; $992,000

Help America Vote Act
Agency: U.S. Department of Health and Human Services
2004; $70,000
2005; $95,000
2006; $86,694.54
2007; $65,000

Job Opportunities for the Blind
Agency: U.S. Department of Labor
1996; $238,000.00
1997; $238,000.00
1998; $498,000.00
1999; $498,000.00
2000; $498,000.00

Jobline
Agency: U.S. Department of Labor
1998; $3,000,000
2002; $1,500,000
2003; $750,000
2004; $200,000
2005; $180,000
2006; $119,209.22
2007; $150,804.34

Mentoring for Transition Aged Youth
Agency: U.S. Department of Education
2005; $252,857
2006; $273,344
2007; $341,993.77

NASA Video
Agency: National Aeronautics Space Administration
2005; $80,000

National Research and Training Institute for the Blind
Agency: U.S. Department of Housing and Urban Development
2002; $500,000
2003; $201,184
2004; $350,000

NCBYS
Agency: National Aeronautics Space Administration
2007; $282,521.70

NEWSLINE: Development and Implementation of National Electronic Newspaper Service
Agency: Institute of Museum and Library Services
2001; $4,000,000

NEWSLINE Telecommunications
Agency: Library of Congress
2003; $993,000
2005; $198,000
2006; $396,000

Web Portal
Agency: National Science Foundation
2005; $17,641.97
2006; $93,287.23
2007; $8,643.71

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WORK EXPERIENCE

July 2007 to Present
Executive Director for Strategic Initiatives
National Federation of the Blind

Mr. Paré oversees the continuing growth of NFB-NEWSLINE®, the largest electronic newspaper service in the world, and the Federation's national Governmental Affairs, Outreach, 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.

May 2006 to July 2007
Director of Public Relations
National Federation of the Blind

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

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 present.

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

BOOKS FOR THE BLIND FUNDING

Ms. WASSERMAN SCHULTZ. Thank you very much, Mr. Paré. I do think it is important to note that the blind community is certainly not left out in the cold by any stretch of the imagination in our bill. There was $67 million in blind services funding in the FY 2008 Legislative Branch Appropriations bill.

In addition to that, the Library itself has only requested $12.5 million, keeping with their feeling that the implementation of this program over 6 years would not cause the blind community to suffer a significant reduction in services. And I have a tremendous amount of respect for your leadership and for your leadership of your organization. But this organization and every agency and every organization that is served by this legislative branch bill needs to recognize that we are in the tightest of budget circumstances. We are very likely going to have to carry $126 million appropriation for the tunnels that we have to abate asbestos. This is not a matter of telling you to wait. You are not going to be required to wait. You will continue to receive those services and get expanded services. We may just have to implement them over a longer period of time.

So I appreciate your comments, and I am certainly supportive. We are going to do everything we can to implement this program over the shortest period of time. Mr. Latham.

ALTERNATE ACCESS

Mr. LATHAM. Thank you, and thank you for your testimony. If, in fact, this happens and the Library winds down its production of cassette copies, which I think, in your testimony you talked about the effect that that would have. Is there any other place where you can have access to books on cassettes? I understand that, according to your testimony, that you are going to lose probably several years' worth of new books. Is there anyplace else that has those available or——

Mr. PARÉ. No. There is a fraction of books available for purchase from bookstores. If you go into a Barnes & Noble, there will be a few bookshelves with books on cassette and maybe thousands of print bookshelves. But one of the biggest things is, there are 17,000 public libraries in the United States. I believe it is fundamental that every American has the right and the ability to go get print books at one of these 17,000 libraries.

The blind of this Nation only have one library provided by the Library of Congress. For us to get the equivalent—now the Library of Congress only makes 1 percent of all print books available to begin with. And we have a chart that has been made public, and it indicates that there are going to be years where blind people, if we extend the 6 years, blind people won't have access to new books for a matter of years. And I urge the committee to consider what an impact that would be if you had no access to books for years. That is something that is not right for blind Americans.

Mr. LATHAM. How many people would this affect?

Mr. PARÉ. There are 800,000 patrons in the United States, and approximately half will be affected by the delay in not having access to new books.

Mr. LATHAM. About 400,000. Okay. Thank you.

BILLINGTON LETTER

Ms. WASSERMAN SCHULTZ. You are welcome. At this time I would ask unanimous consent to enter into the record a letter that I received last June 21, 2007 from Dr. Billington, the Librarian of Congress.

So I will reiterate that we are going to work diligently towards implementing this program as quickly as possible but the Librarian himself has put forward a reasonable proposal that will allow us to implement this and not do it to the exclusion of everything else that we have to do in this bill. And I can assure you that I and the rest of the Members of the committee are committed to trying to make sure that we can implement this program in the shortest possible time frame.

Mr. LaHood.

[Dr. Billington's letter follows:]

THE LIBRARIAN OF CONGRESS

June 21, 2007

Dear Madam Chair:

We appreciate the support the committees have shown regarding the Digital Talking Book Program. Our great hope is that we can receive $15 million over five years. However, at the House funding level of $12.5 million, we can begin the additional work as outlined by the GAO report and make significant strides toward achieving the goals of converting cassettes to digital books.

With best wishes,

Sincerely,

James H. Billington
The Librarian of Congress

The Honorable Debbie Wasserman Schultz
Chairwoman
House Subcommittee on Legislative Branch Appropriations
U. S. House of Representatives
H-147 Capitol
Washington, DC 20515

101 Independence Avenue, S.E. Washington, DC 20540-1000 Tel.: (202) 707-5205 Fax: (202) 707-1714 E-mail: libofc@loc.gov

FUNDING FOR BOOKS FOR THE BLIND—CONTINUED

Mr. LAHOOD. I apologize for being late. Madam Chair, we spoke about this in another hearing. And so what I am going to do is take you at your word on this. And I know that during the markup that we had last year this became a disputed item. And I believe that you are committed to this. And I think that the people that are gathered in this room today who feel very passionate about this issue should know that I think the chairperson of this committee is committed. She has told me that on a number of occasions, both publicly and privately, and I believe that is the case. And I am not going to say any more about it because I am trusting that you will follow through.

Thank you.

Ms. WASSERMAN SCHULTZ. Thank you very much, Mr. LaHood. Thank you, Mr. Paré.

Mr. PARÉ. Thank you.

CONGRESSIONAL RESEARCH EMPLOYEES ASSOCIATION

WITNESS

DENNIS M. ROTH, PRESIDENT, CONGRESSIONAL RESEARCH EMPLOYEES ASSOCIATION

Ms. WASSERMAN SCHULTZ. Next we will hear from Mr. Dennis Roth, the President of the Congressional Research Employees Association. Mr. Roth, your full statement will be in the record, and you can proceed with your 5-minute statement.

OPENING STATEMENT—MR. ROTH

Mr. ROTH. Good morning. Madam Chair, Representative Latham and members of the subcommittee, my name is Dennis Roth, President of the Congressional Research Employees Association, the union representing over 500 employees of the Congressional Research Service. Let me begin by stating that progress has been made between CREA and library management, including that of CRS, to develop a more cooperative relationship. As a result, we have resolved more of our problems internally and have not had to result to litigation. We thank you for your efforts to improve labor management relations at the Library. However, issues do remain.

FLEXIBLE WORK ARRANGEMENTS

In his written testimony the CRS Director stated that he was committed to doing his best to attract and retain expert staff, including those hired as part of the CRS succession initiative. We find this retention commitment lacking. CRS must provide more flexible work arrangements. It is becoming more difficult for staff who want to start a family or care for elderly parents to be granted part-time status. An effort a couple months ago to job share an analyst position to accommodate a mother-to-be was canceled by the Director because CRS did not have a job share policy. We are still waiting for a decision.

Even though we negotiated a policy and procedures for working offsite episodically, the Director later added conditions that made

it virtually impossible for staff to take advantage of it. This even includes staff suffering from permanent or temporary medical conditions. Many staff work outside their normal working hours without any opportunity to receive comp time or comparable time off with credit hours. The CRS bargaining unit staff are the only staff in the entire Library of Congress denied the opportunity to earn credit hours.

SUPERVISOR RESTRUCTURING

The Director also stated that CRS analytical divisions are going through a major restructuring of their first-line supervisors. Under the current arrangement, these supervisors still respond directly to congressional requests and maintain their position as subject matter experts, albeit at a reduced level. The new senior research managers will not have any direct research or analysis responsibilities. We believe that this will result in a loss of service to Congress.

Also, the Director knows that his new group of managers will serve as a pool of potential candidates to fill vacancies in his senior leadership team. CREA hopes that the selection of this group is adequately diverse. The Library's new strategic plan has workforce as one of its five strategic goals and one that will, I quote, receive focused attention and a commitment to action, unquote. In its fiscal year 2009 budget justification, however, there is hardly a mention of a workforce strategic goal, let alone workforce development. The only training identified is for a supervisory development program to train 287 supervisors.

STAFF DEVELOPMENT

With CRS now committed to having staff engaged in individual development plans, it is necessary to identify the specific amount of funds that will be devoted to supporting these plans. I request that you ask CRS to report what activities are planned and to support workforce development and the funding for it. Included should be funds for the jointly negotiated career opportunity plan that includes career counseling, tuition support, job details and opportunities for upward mobility. This program has been quite successful, but has received very inconsistent funding. The program could pay for itself by taking proven, good CRS employees and developing them. Recruitment costs are minimal and the staff already are familiar with the CRS mission.

OFFICE OF WORKFORCE DIVERSITY

There are two other issues. The first is the restructuring of the Library's Office of Workforce Diversity, or OWD. The subcommittee is aware that OWD's staff were informed in early March that they would receive reduction in force notices, that the Library would seek early out and buyout authority and that only one to three of the incumbents were sure to be retained. All of their staff will be terminated no later than the beginning of July. Any denial of this by the Library is dishonest. Fortunately, your intervention has affected the process, but there has been no further communication since then to staff or to the union. The Office of Workforce Diver-

sity needs to perform more effectively and efficiently, but poor management is the issue and not poor staff performance.

Furthermore, the Inspector General's report upon which the decision to restructure is based has too many weaknesses to have any standing as a restructuring document. Last week the Office of Workforce Diversity announced they would no longer retain its full-time staff interpreter. Immediately two deaf staff CREA members met with me to express a deep concern of this loss and its effect on them as well as the other 16 deaf or hard of hearing staff at the Library.

We ask that the subcommittee request any study or analysis done by the Library as the basis for its decision to give these duties to the current access program manager and any overflow to contractors, which is more cost effective. We are confident that any such study would demonstrate the benefits of a dedicated staff interpreter outweigh the costs of the Library's alternative. If they do not have such a study, we request that you have them do one.

Ms. WASSERMAN SCHULTZ. Mr. Roth, your 5 minutes has expired.

Mr. ROTH. Can I have 30 seconds?

Ms. WASSERMAN SCHULTZ. 30 seconds.

FOOD SERVICE NEGOTIATIONS

Mr. ROTH. Finally, I would like to update the subcommittee on the negotiations between the Library's new food service provider, IL Creations, and the food service staff. The Library's unwillingness to recognize there was a collective bargaining agreement at the time the IL Creations took over the food service contract has led to a significant diminishment of the benefits previously held to the staff. The last time the staff met with management was April 1. Madam Chair, you raised concerns over this issue in the March hearings and the Library still needs your attention to this matter.

Thank you.

[Mr. Roth's prepared statement, disclosure form, and bio follow:]

Written Statement of Dennis M. Roth
President
Congressional Research Employees Association (CREA)
Before the
Subcommittee on Legislative Branch
Committee on Appropriations
United States House of Representatives
May 7, 2008

Madam Chairwoman, Representative Latham, and Members of the Subcommittee,

My name is Dennis Roth. I am President of the Congressional Research Employees Association (CREA), which represents over 500 bargaining-unit employees of the Congressional Research Service (CRS). On behalf of CREA's membership, I would like to thank you for this opportunity to testify before the Subcommittee. I would also like to thank you for the many compliments you have given to CRS. Your statements reflect positively on the high quality and dedicated services provided by CRS employees at all levels throughout the Service, many of whom I am representing here today.

CREA recognizes that we are in an extremely limited budget environment. I come here today not to request additional funding, but rather to discuss a number of non-budgetary issues of interest and concern to CRS employees.

First, let me begin by stating that progress has been made, between CREA and Library management, to develop a more cooperative relationship and to exhibit a greater willingness to work together on issues. As a result, CREA and the Library have been able to resolve more of our problems internally rather than resorting to litigation. We thank you for the efforts you have taken over the past year to improve labor-management relations at the Library.

However, issues do remain.

Workplace Inflexibility

In his written testimony before this Subcommittee on March 5, 2008, the Director of CRS stated that he was committed to doing his best to attract and retain expert staff. He also mentioned the success of CRS's succession efforts, emphasizing that new staff have been hired and mentored as more seasoned staff retire. However, CREA feels that in two related areas important to both old and new employees, family friendly policies and workplace flexibility, CRS is undermining its own efforts to attract and retain a new cadre of employees. For example, it is becoming more difficult for staff who want to start a family or care for elderly parents to be granted part-time status. Staff currently working part time are cautious about coming back full time, lest they be denied part time status in the future. Another example is the difficulty in being allowed to work off-site. Although the Collective Bargaining Agreement between CREA and CRS allows episodic work at home, the guidelines written to implement that policy are so restrictive that it is not a viable option, even for those suffering from permanent or temporary medical conditions. Starting times have become more narrow and rigid. CRS management refused to allow an employee with a diagnosed medical condition to start work one-half hour earlier than the current official starting time, which would have allowed the employee to avoid rush hour congestion and sit rather than stand on the bus ride to work.

Nor will the Director grant time-off in lieu of cash as an incentive award, nor is he willing to permit employees to earn credit hours.

While working for Congress in the way that we do gives CRS a competitive advantage in attracting bright new talent, CRS must also compete with other institutions that offer more flexible work arrangements. Flexible work arrangements are also beneficial to CRS and Congress because they allow those who might otherwise be unavailable to continue contributing to the CRS mission, including continuity of operations in an emergency which prevents workers from getting into the office. In these times of nearly $4 per gallon gasoline, a more flexible work environment could reduce gas consumption and rush hour congestion, benefitting employees and the environment.

The Congress is actively considering telework bills for Federal employees (H.R. 4106 and S. 1000). The Senate bill would cover CRS employees. H.R. 4106 currently does not. Congress is also considering paid parental leave. Hopefully, H.R. 5781, the Federal Employees Paid Parental Leave Act of 2008, will soon be coming before the House for a vote. CREA strongly encourages you to support these measures and to make them applicable to Library employees.

Performance Standards and Individual Performance Plans

Over the course of this year, CRS will be implementing an automated performance management system. According to CRS management, this system will allow managers to create performance plans and development plans for individual staff, on-line, and to share them with staff, and to edit them as needed throughout the year based upon individual and work unit priorities. The on-line system will have readily accessible, instructions, forms, and supporting documents such as position descriptions and performance standards. CREA has been a proponent of performance planning based on written performance standards and individual development plans for several years and is pleased to see these ideas finally being implemented.

However, last year I expressed concern that CRS management would develop performance standards without staff or union input. Unfortunately, this is what happened. As a result, most of the performance standards use ambiguous terms (e.g., provides "probing and innovative... analysis," or provides "customized and authoritative information research analysis to solve highly complex research problems.") that leave many employees still wondering what they have to do to get a satisfactory, or better, performance rating. While CRS management is now engaging staff to train and to get feedback on the system, the performance standards are not open for discussion.

Studies on the implementation of performance standards and recent testimony given by academics and agency officials before the Federal Workforce, Postal Service, and the District of Columbia Subcommittee of the House Oversight and Government Reform Committee note that involving staff in the development of performance standards is the best way to achieve staff buy-in and thereby ensure a successful implementation. We would ask the Subcommittee to encourage CRS management to involve staff and/or the union earlier in the development of these kinds of policies and procedures and to consider their input now as they begin implementing this new system.

New Senior Research Manager Positions

As noted by the Director in his March 5 testimony, CRS analytical divisions are going through a major restructuring of their first-line supervisors, better known as Section Heads. Section Heads served a dual role as analyst and supervisor. Under this arrangement, individuals would still respond directly to Congressional requests and maintain their position as a subject matter experts, albeit at

a reduced level. It was expected that supervisory duties would take up half their time. Under the new structure, Section Heads will be replaced by Senior Research Managers with no direct research responsibilities. While they will guide research, they will not perform it. They will devote 100 percent of their time to supervisory responsibilities. Staff are concerned about the impact this new layer of bureaucratic management will have on their ability to work independently and directly with Congressional clients. Also, the Director notes that this new group of managers will serve as a pool of potential candidates to fill vacancies in its senior leadership team. CREA hopes that the selection of this group is adequately diverse.

Staff Development

In its FY2008 Budget Request, the Library stated: "Developing a retooled workforce, in many ways, is the most important single task the Library faces in the next decade." In October, 2007, the Library issued its Strategic Plan for Fiscal Years 2008-2013 which listed *Workforce* as one of its five strategic goals, and one that will "...receive focused attention and a commitment to action." In its FY2009 Budget Justification, however, there is barely a mention of the *Workforce* strategic goal, let alone workforce development. The Library can do little more than note that in FY2007 it spent 3 percent of its budget in support of this strategic goal. It is not possible to determine how much of this was dedicated to workforce development, what, if any, programs were established, or how effective they have been. It does not identify how much of the FY2009 request is devoted in support of the *Workforce* goal. The only training identified in the FY2009 Budget Justification was for a Supervisory Development Program to train 287 supervisors. With CRS now committed to having staff engaged in individual development plans, it would be very interesting to identify what, if any, funds are being devoted to support these plans.

We request that you ask the Library, including CRS, to report to you what activities have been undertaken to support workforce development, and how much has been spent, and what has been accomplished to date. We also ask that the Library and CRS share this information with staff and the unions.

Career Opportunity Plan

On a related topic, according to the Collective Bargaining Agreement between CREA and Library, the Library recognizes that

> "...some of its employees may have the experience and/or education necessary to perform at higher and more professional levels of responsibility than permitted by their current position."

To encourage the advancement of such individuals, CRS agreed to establish a Career Opportunity Plan. The Plan includes career counseling, tuition support, job details, and opportunities for upward mobility. This program has been quite successful, when it has been supported. We request that you direct funds from the CRS budget request to carry out this program. The program could pay for itself by filling vacated positions at lower grade levels.

Two Other Issues of Concern

There are two other issues that have an indirect impact on CRS employees. The first has to do with the restructuring of the Library's Office of Workforce Diversity (OWD). In March of this year, the Library announced that it was going to restructure the Office. In fact, as the Subcommittee is

aware, OWD staff were informed that they would be receiving Reduction-in-Force notices, that the Library would seek early-out and buy-out authority, and that only one to three incumbents were sure to be retained. All other positions would be terminated no later than the beginning of July.

A week before making its March announcement, the acting Head of the Office of Workforce Diversity informed the Library's Diversity Advisory Council that he did not see any reason why the Council should continue to function. The members of the Council asked both the acting Head of OWD and the Library's Chief Operating Officer, Jo Ann Jenkins, who decided on the restructuring, to meet with them. While both have agreed to get the Council's input, over a month has elapsed with no such meeting being scheduled. I too have requested a meeting with Ms. Jenkins over a month ago and have yet to receive acknowledgment of my request.

CREA agrees that the Office of Workforce Diversity needs to perform more effectively and efficiently, but the problems stem, in our view, from mismanagement and not from staff performance. CREA has submitted its recommendations regarding both the process and substance for restructuring the OWD to Ms. Jenkins and the Subcommittee.

The other issue on which I would like to update the Subcommittee is the negotiations between the Library's new food service provider, IL Creations, and the food service staff. According to documentation provided us by the food service staff, there was a collective bargaining agreement in effect at the time IL Creations took over the food service contract. A copy of this documentation has been given to the Library—twice. Madam Chair, you raised concerns over this issue in the March hearings on the Library and it still needs your attention.

This concludes my testimony and I would be happy to address any questions you may have.

Thank you.

Subcommittee on the Legislative Branch
Witness Disclosure Requirement – "Truth in Testimony"
Required by House Rule XI, Clause 2(g)

Your Name: Dennis M. Roth		
1. Are you testifying on behalf of a Federal, State, or Local Governmental entity?	Yes x	No
2. Are you testifying on behalf of an entity other than a Government entity?	Yes x	No
3. If your answer to question number 2 is yes, please list any federal grants or contracts (including subgrants or subcontracts) which you have received since October 1, 1996: None		
4. Other than yourself, please list what entity or entities you are representing: Congressional Research Employees Association (CREA), International Federation of Professional and Technical Engineers (IFPTE)Local 75		
5. If your answer to question number 2 is yes, please list any offices or elected positions held or briefly describe your representational capacity with the entities disclosed in question number 4: President		
6. If your answer to question number 2 is yes, do any of the entities disclosed in question number 4 have parent organizations, subsidiaries, or partnerships to the entities for whom you are not representing?	Yes x	No
7. If the answer to question number 2 is yes, please list any federal grants or contracts (including subgrants or subcontracts) which were received by the entities listed under question number 4 since October 1, 1996, including the source and amount of each grant or contract: None		

Signature: _Dennis M. Roth_ Dennis M Roth Date: __4/30/08_____

Please attach this sheet and your CV (resume) to your written testimony.

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.

PROBLEMS WITH FLEXIBLE ARRANGEMENTS

Ms. WASSERMAN SCHULTZ. Thank you very much, Mr. Roth. I want to ask you about the part-time and telework arrangements that your members are having difficulty with. How long has that been going on for? And you alluded to a cumbersome approval process that takes too long. As someone who prides myself on providing my office with, generous terms as far as balancing work and family, especially given my own personal struggle to balance work and family every day, I think it is imperative that we set an example in government for encouraging families, and encouraging employees to be able to do an excellent job of their work and an excellent job at parenting.

So what seems to be the most significant problem with that process that employees have to go through?

Mr. ROTH. Particularly with the part-time request is that if an employee goes on part time it is subject to management's approval. They are also telling them at the end of this part-time period there is no guarantee that they will be able to come back full time. So there is a fear that if I take part time, I may end up being part time for the rest of my life.

And so there is this juggling with life things, how you are going to handle these types of issues. And part of this is because there has been a lack of monitoring part time in the past. Sometimes people years ago went on part time because of family needs. But the Library didn't say, okay, your kid is in high school now. It is time to come back. They let them go through almost a whole career part time. So there is a fear——

Ms. WASSERMAN SCHULTZ. What about telework?

Mr. ROTH. We actually have an article in our contract. We had good provisions and then 2 months after the contract got implemented the Director added two conditions saying that the only way you could be on telework would be if you have to be home and you are doing a rush request for Congress and you were in a dire situation at home. Your basement would be flooding, and you have to be there.

Ms. WASSERMAN SCHULTZ. I don't understand that. It would seem to me if there is any type of job that would really be perfect for telework—I mean, why does it matter if you are doing research in your office or research at home? The Internet gives you the same ability. You can bring materials home. If there is any work that is perfectly suited, it is being a CRS employee, especially an analyst.

Mr. ROTH. The Director believes that Congress wants us at your beck and call and we have to be here to meet with you. We have done analysis on a number of the requests at CRS. They do an annual count.

Ms. WASSERMAN SCHULTZ. Guess what, I bet you could probably come in for an appointment.

Mr. ROTH. We could put stipulations that you have to be here within an hour, 2 hours.

Ms. WASSERMAN SCHULTZ. Telework doesn't mean you are asking to anchor yourself to your house. It just means that you are just asking to primarily work from home.

Mr. ROTH. Will you ask the same questions to the Director?

Ms. WASSERMAN SCHULTZ. I am going on too much. I will get off my soap box.

Mr. Latham. Mr. LaHood.

Mr. LATHAM. Thank you for your great service.

LIBRARY OF CONGRESS PROFESSIONAL GUILD, AFSCME LOCAL 2910

WITNESS

J. KENT DUNLAP, CHIEF NEGOTIATOR, LIBRARY OF CONGRESS PROFESSIONAL GUILD, AFSCME LOCAL 2910

OPENING REMARKS

Ms. WASSERMAN SCHULTZ. Excuse me one moment.

We are going to go—they just called three votes. We are scheduled here until 1:00. And we would like to make sure that we get through everybody as quickly as possible and give you the maximum opportunity.

So if the next person, which is Mr. Kent Dunlap, the Chief Negotiator of the Library of Congress Professional Guild, would come to the table. Your full statement will be in the record and you can proceed with your 5-minute summary. Okay.

OPENING STATEMENT—MR. DUNLAP

Mr. DUNLAP. Thank you. Thank you for providing the Guild with this opportunity to testify. Due to the limited time, this oral statement will only address problems implementing the new electronic system of processing copyright registrations in the Copyright Office.

COPYRIGHT OFFICE

Several years ago the Copyright Office decided to modernize its paper processing system of copyright registration to a system receiving electronic submissions over the Internet. This vision is consistent with changes being introduced throughout the world.

In July 2007, the Copyright Office began beta testing of applications for copyright registration received over the Internet. On August 5, 2007, the Copyright Office began converting paper applications into electronic records in a process referred to as ingestion. The Guild regrets to report that this implementation is not going well. Since the beginning of the current fiscal year, a backlog in impending claims converted into electronic records has grown to over 300,000 copyright claims, while the staff was only able to register during this period slightly over 60,000 copyright claims.

In essence, the Copyright Office is placing 75 percent of receipts into an ever-growing backlog. These stats compare unfavorably with the office's accomplishment in the last fiscal year when the office registered over 526,000 copyright claims under the old system.

While claims received online are easier to process than ingested claims, they appear more labor intensive than processing in paper. The relative costs appear to be about $70 for processing paper, about $140 for claims submitted online and about $300 for ingested claims. It is unfortunately clear that the current electronic system

cannot be fixed quickly in order to process all 11,000 copyright claims received weekly on a timely basis.

The Guild supports returning to the processing system which has worked in the past until unknown problems in the electronic system are resolved. The Copyright Office has responsibility of registering copyright claims——

Ms. WASSERMAN SCHULTZ. You have about 30 seconds, Mr. Dunlap.

Mr. DUNLAP. Okay. Eighty percent of paper applications cover copyright claims which can be registered without correspondence. Instead of languishing waiting for ingestion, these claims should be called and registered. It would only take a few minutes of time.

[Mr. Dunlap's prepared statement, disclosure form, and CV follow:]

Statement of J. Kent Dunlap
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Before the Committee on Appropriations
Subcommittee on Legislative Branch
Appropriations
U.S. House of Representatives
May 7, 2008

Madam Chairwoman, Mr. Ranking Member and Members of the Subcommittee, thank you for providing us with this opportunity to testify and present you with our concerns. The Library of Congress Professional Guild, AFSCME Local 2910 represents over 1500 professional employees at the Library of Congress. These employees are dedicated to providing the best possible service to Congress and the American people and we wish to use this occasion to present you with their concerns.

The Library of Congress is in the midst of a great transition, the outcome of which is far from clear. The Library is the oldest federal cultural institution in the United States, having begun in 1800, and has served many communities and clients during its existence. Probably the most important client is the Congress, providing specialized library services, and authoring complex studies in support of activities. The Library serves the broader library community through its cataloging program, interlibrary loan, participation by staff members at professional meetings, through operation of the gift and exchange program, and many other activities. The Library serves the copyright community by maintaining a public record, advising Congress on copyright related matters, and assisting on programs bolstering a high level of international protection for American works. The Library serves blind and physically handicapped citizens through its "talking books" program. Finally, the Library serves the American public by providing access to special one-of-a-kind resources, and maintaining one of the most used web sites in the country.

With the advent of the Internet, the delivery of intellectual content to users was altered forever. How this momentous change will affect libraries generally, and the Library of Congress specifically, remains to be determined. Moreover, processing in the Copyright Office was recently converted from a paper-based system to an electronic based system. Unfortunately, the current electronic system has many inefficiencies which the Copyright Office is struggling to overcome. Adapting programs of the agency to address the changing expectations of our constituencies represents one of the greatest challenges the Library of Congress has faced in its two hundred year history.

For FiscalYear 2009, the Library is requesting a total budget of $645.8 million, an increase of $32.3 million, or 5.3 percent above our fiscal 2008 funding level. The Guild supports this budget request since most of the requested funding serves absolutely vital Library programs. This

Subcommittee can play a major role in determining the directions of many changes initiated at the Library of Congress. With that in mind, this statement attempts to provide the Subcommittee with information which we hope will be useful in guiding appropriate changes.

Crisis in the Copyright Office

The Copyright Office is requesting a total budget of $51,592,000, of which $33,315,000 will be offset by fees generated from delivering services and 18,277,000 will be appropriated dollars. Of the request for 18,277,000 in appropriated dollars $9,975,000 represents a request for restoration of base funding which was decreased from the Copyright Office budget in Fiscal 2008. The Guild supports this request but adds the sad caveat that enactment of the Copyright Office's full request will not enable the staff to complete all the work coming into the Office in a timely manner. This reality is due to the inefficiencies and deficiencies of the electronic processing system being implemented in the Copyright Office and the consequent difficulty in taking that system public.

Last year in our written testimony before this Subcommittee, the Guild made the following statement:

> The coming year will be a challenge for the Office as it moves from a paper based processing system to an electronic based system. Two important jobs in the Office, examiners and catalogers, are being combined into one position: a copyright registration specialist. A new, untried technology must be implemented on a wide scale to permit the processing of copyright claims electronically. For applications received in paper form, the cost of processing is likely to soar because those paper applications have to be converted into an electronic records. Clear efficiencies will be achieved where submissions are made through the Internet. In the long run, the Guild believes the efficiencies that management has promised will be achieved. In the next year, however, difficulties such as dealing with paper submissions, implementing a new and complex technology, and retraining much of staff, will likely make it impossible to achieve any sudden increase in efficiency for the Copyright Office. (Appropriation of the Library of Congress for Fiscal Year 2008, before the House Subcomm. on Legislative Branch Appropriations, 110th Cong. May 1, 2007, written comments of AFSCME 2910, p. 2)

During the last year the Copyright Office achieved many accomplishments. At the beginning of the year, most of the staff was located in Crystal City while work space in the Madison Building was reconfigured to accommodate the new technology. Between June through September the staff returned to Capitol Hill in stages, and the transition went relatively smoothly. Given the complexity of the changes which were implemented, this accomplishment is worthy of considerable praise.

Unfortunately, the picture regarding implementation of the new electronic processing system is not commendable at all. The implementation date of the new system was August 5, 2007. Leading up to implementation the Copyright Office conducted a pilot project by processing copyright claims in motion pictures both electronically and by traditional paper. Management appeared satisfied that the pilot proved that the electronic system could be used to process claims. The Guild regretted that there was no empirical analysis comparing the relative efficiencies of the two systems, i.e., electronic processing versus paper processing. It was clear that electronic processing was less efficient, but no data was generated to document the degree of greater inefficiency. Judging from discussions with examiners working within the system, we believed the electronic system was possibly five times less efficient than the paper system it was created to replace. The obvious struggles of electronic processing in the pilot project led to the Guild's prediction that the coming year was going to be difficult.

The general public cannot yet submit applications online thus most of the 11,000 copyright claims received each week by the Copyright Office are submitted on paper. To submit an application online, the public may request to serve as a "beta tester" in order to assist in the development of the electronic system, and virtually all who request to serve as a beta tester are accepted. Beta testing began in July 2007, and the fee for submission online is lower - $35 rather than $45. In this test mode, electronic claims comprise a small percentage of received claims.

The Office has dismantled some of the means for processing paper applications in converting to a new electronic business process, although Copyright claims covering group registrations are still processed in paper. However, Copyright claims in textual works, performing arts, and the visual arts are converted into electronic records by "taggers"who key in the data thus creating so-called "ingested claims," a process that was not anticipated in the design of the new system. Ingested claims represent the bulk of the work received in the Copyright Office, about 8,000 copyright claims weekly.

To fully contemplate the difficulties with the Copyright Office's new electronic system of processing, it is useful to look at the Office's paper processing system. This needs to be the starting point because the rationale for the electronic system is that it is more efficient. Clearly the paper based system of processing is imperfect and outdated, but overall reasonably efficient. The efficiency shortcomings are basically two. First, paper must be handled in a station to station processing system, and this handling is labor intensive. Second, the examination function for registrability of the copyright claim, and the cataloging of the claim to produce the index are separate professional functions performed by different staff.

Even given its shortcomings, the paper based system had a number of advantages the electronic system lacks. First the information needed by the staff member to examine the work is right there in the application and deposit copy. The electronic system, on the other hand, requires barcode scanning and multi-step navigation, scrolling, and clicking to ascertain even basic information about the claim. Second, the certificate of registration is created from an image of the application as completed by the applicant. Any errors are the responsibility of the applicant.

In the electronic system the certificate of registration is painstakingly created by key entering all of the application data which occurs at several stages in the registration process and requires a huge amount of data entry that can introduce errors added by the Office.

The cost of processing in paper is amazingly low for a professional service. Examination is quick, in many cases 90 seconds or less. Approximately 80% of the applications can be passed without correspondence. Cataloging registered copyright claims takes a few minutes of time. The current fee is $45, but the actual cost is about $60-70. These costs, however, do not apply evenly to the claims. For the copyright claims which can be registered without correspondence, the cost is likely about $35. For copyright claims which require simple correspondence, costs likely raise to over $100. For copyright claims which require complex correspondence, meaning original drafts discussing several issues, costs likely raise to several hundred dollars. Since it is administratively too difficult to charge fees on the basis of actual work done by the Office, a flat fee covers all claims, regardless of the work involved. It appears to the Guild that substantially more staff time is spent on the 20% of the copyright claims requiring correspondence than the 80% of claim requiring no correspondence.

The electronic processing system which has been put in place makes even the most mundane task difficult. Two major flaws render the system highly inefficient. First, there is no effective division of labor with simpler tasks assigned to lower graded employees, and higher functions to higher graded employees. Due to the complexity of the electronic systems, most tasks are heaped upon the registration specialist. Second, the electronic system is unreliable and slow, and contains numerous IT problems.

Most of the processing involves paper claims which have been laboriously ingested and converted into electronic records. Errors introduced while typing the hand-written paper applications into the system are frequent and must be corrected by higher graded registration specialists. The software used to capture typed information from the application often misreads characters. A perfectly typed application by the applicant is often entered into the electronic system incorrectly. All ingested claims require about 15 minutes of transcription editing alone, and specialists now devote an excessive amount of time on such minutia as punctuation, capitalization, and spelling.

A new bar coding and tracking system slows specialists down. Additionally, tasks involving fee issues have been heaped upon the registration specialists, whereas previously fee problems were resolved by lower graded staff at an earlier stage of processing. The systemic delays in Office processing create stale date checks and the specialist must contact the applicant and re-collect. Since the system software is not designed to automatically update accounting records, accounting must be done by hand which results in late posting of fees- whether cleared, stale, returned or unpaid. The specialist must reconcile these confusing financial postings and frequently write the public for clarification. Processing cannot proceed until all fee issues are resolved. Many of the specialists lament the increased "clericalization" of the jobs, which is something a well designed electronic system should reduce, rather than increase.

Furthermore, numerous IT problems and design flaws bedevil the system, leaving the specialist to rig "work-arounds." All work is done in a program that fills two monitor screens and requires arduous navigation through more than a dozen applets and tabs. All application information is displayed in a difficult to read and unchangeable font. Other design flaws include the absence of features as basic as global search and replace; sixty applications with the same problem must be individually opened and corrected sixty times because the software cannot make corrections apply to more than one title at a time. Formerly, with "inefficient" paper applications, a single note to file typed once and a check of the correspondence box on each application speeded many same-problem works through the Office. Glacial screen refresh rates mean that even the fastest specialists are limited in their ability to speed work through the Office no matter how skilled they become in using the software. No amount of training can compensate for these flaws.

Because erratic behavior and system crashes are now a predictable part of the registration specialists' daily life, all specialists must be advanced computer troubleshooters to simply do their work. As the backlog has grown, the number of works in the Office and in the computer system have increasingly clogged the Office both physically and electronically. The repetitive motions needed to navigate the poorly designed system result in physical hardship on eyes, wrists, hands, shoulders and backs. Difficulties have arisen regarding claims submitted online due to confusing and restrictive user interfaces, software incompatibility, and deposit upload problems. Many remitters contact the specialists for one-on-one help to navigate the confusing online system. Public interactions by the staff have greatly increased due to online system and certificate status questions that overload the Public Information Office.

Of the copyright claims converted into electronic records, the Copyright Office is currently processing about 30% to 35% of the claims and placing into a backlog about 65% to 70% of the remaining claims. Since the beginning of the current fiscal year, October 1, 2007, the Copyright Office has issued 49,787 copyright registrations based on electronic processing, and placed 271,834 into a backlog as of March 30th. The Copyright Office appears on course to register through electronic processing in the current fiscal year slightly over 100,000 copyright claims, while leaving a backlog of exceeding 400,000 claims.

As horrible as these numbers appear to be, the Guild believes they are actually even worse for two reasons. First, managers are encouraging registration specialists to clear as many claims as possible, and this is accomplished by leaving the more difficult claims in the pool, and processing only the easier material. Since the roughly 30% clearance represent the easier claims, much of the remaining 70% in the backlog are more difficult and time-consuming to complete. Therefore, in measuring by staff time necessary to complete the work, the Office may be completing only 20% to 25% of the work coming into the Office.

The second reason concerns the uncertain nature of the "completed registrations" because some will be returned for corrections of the errors introduced into the public record by the Office. These errors are introduced in the conversion of the record from paper to electronic. Most applications are hand written due to the obsolescence of typewriters. In order to create the

electronic record these applications are retyped by the Office, and the accuracy is checked by the specialist. Even a mistake of a single letter in the certificate of registration requires the case to be reopened in the electronic processing system in order to correct the mistake. The percentage of defective records is currently unclear, but some of the issued certificates have already come back for correction. The Guild believes this number will become much larger when the public learns to read their certificates very carefully due to the likelihood of mistakes.

The Guild has discussed the current crisis with the Register of Copyrights and other top officials. The discussions have been cordial and candid, and the Guild commends management for openness regarding the data documenting the agency's performance. The Guild strongly supports continued development of the eCO system as it relates to submission over the Internet and looks forward to the day when a Web-based system is fully functional. We have not arrived at that day nor is that day yet in view. What can be done to improve public service during the interim? We must find alternatives.

The Copyright Office move into an electronic process has been premature. At this point, it makes more sense to process paper claims in the more efficient paper process until the electronic system is fully operational. The Guild strongly opposes continuation of converting paper applications into electronic records because of the unjustifiable delays it causes the public in receiving the service for which they have paid. If the Copyright Office does not move back to processing paper applications in paper, many applicants will not hear from the Office regarding their pending application for registration for over a year. The Guild and the bargaining unit we represent believes customers of the Copyright Office deserve far better service than that.

The Register submitted written testimony to this Subcommittee on March 5, 2008. In that testimony, she made the following statement:

> Processing paper claims in eCO is cumbersome and time consuming. The result is a current backlog of 48,000 claims, representing $2.2 million in fees that need to be entered into the system and 231,000 claims to process. We are taking steps to reduce the backlog; the real solution is a fully trained staff. Opening eService and offering the 2-D barcode application are also critical steps to improving claim processing. (Appropriation of the Library of Congress for Fiscal Year 2009, before the House Subcomm. on Legislative Branch Appropriations, 110th Cong. March 5, 2008, written comments of Marybeth Peters, Register of Copyrights, p. 4)

The Guild agrees with most of her statement except her conclusion that the solution "is a fully trained staff." Processing is slow not because the staff doesn't know what to do. It is slow for all the reasons detailed above and for other reasons not identified in this statement. The performance of the agency since the Register's testimony does not support her conclusion. The most recent trend line of the Copyright Office's performance reads as follows:

Date (Week of)	Backlog (claims in electronic form)	Electronic claims completed during week	Total Electronic Registrations since Oct.1st
Mar 3-8	249,434	3,821	40,544
Mar 10-16	254,443	3,372	43,916
Mar 17-23	262,919	3,500	47,416
Mar 24-30	271,834	2,371	49,787
M 31-Apr 6	275,418	5,026	54,813
Apr 7-13	284,542	2,903	57,716

If this is a trend line predicting ultimate success, the Guild fails to see it. Fixing all the problems in the current electronic processing system will take years. In the meantime, 10,500-11,000 paper applications come into the Copyright Office every week, and the only way all of the applicants will receive some agency action in a few months will be a return to paper processing of paper applications. Undertaking huge costs to ingest paper applications into an electronic system far more inefficient than processing in paper makes no sense. The futility of the current course of the Copyright Office was apparent to the Guild months ago.

It is clear that insufficient revenues are provided the Copyright Office for providing the public record underpinning administration of rights under the copyright law. Fees will have to rise in order to close much of this gap. The $45 registration fee does not cover processing in paper, largely due to the 20% correspondence rate. Certainly some of the cost of the registration process stems from the carelessness of customers in completing simple forms. A raise in registration fees to the $60-70 level would go a long way towards covering processing in paper, but it would not begin to pay for processing in electronic form. The true cost of processing in electronic form cannot currently be determined because the Office is systematically bypassing processing many of the most difficult claims. Certainly it will calculate in the hundreds of dollars. Why should the public pay for the cost of electronic processing when cheaper paper processing is available? If the Office raises the fee to the level of paper processing, but continues with the current system of electronic processing, the work simply will not be completed in a timely manner.

Another serious problem in the Copyright Office is the undergrading of professional staff and the failure to promote. In the federal classification system, most professional staff members are in the GS-1210 series, copyright specialist. This job series applies only in the Copyright Office. Since upper management of the Copyright Office claims to be the ultimate expert as to the content of the jobs, management has virtually absolute power in dictating pay level. The professional grades in the Copyright Office are essentially GS-11 and GS-12, while in the Library, generally, it is GS-12 and GS-13. The differences in pay is largely the decision of upper management in the

Copyright Office to pay its professional staff less. This differential not only affects the staff, but also public service because many of the most talented younger staff leave the agency long before they became career employees. Under current pay levels, leaving professional service in the Copyright Office could become a wise career move.

Undergrading is particularly acute in the Documents Recordation Team in which recordation specialists are paid at the GS-9 level. The origins of this recordation team occurred in 1984 in a reorganization. Previous to the reorganization, the recordability of a document was determined by a GS-11 examiner, and preparing the index of the recorded document was completed by a GS-11 cataloger. The recordation unit was created by merging the two functions and the unit was placed in the Cataloging Division. The position of recordation specialist was graded at a GS-9, while the rest of the Cataloging Division remained at GS-11. GS -11 catalogers outside of Recordation Unit read a registration certificate and a deposit copy in order to create an index of the registered claim. GS-9 recordation specialists read a legal document, often complex involving multiple parties and multiple transfers, to determine recordability, and if recordable, prepared the index record by reading the document. All of the GS-9 recordation specialists are female, and most are African-American. Some have law degrees.

The Public Information Office is another area where undergrading appears widespread. While reference questions coming into the Library of Congress are responded to by specialists typically graded at GS-12 and GS-13, copyright reference questions are largely handled by a staff graded at GS-11. This is true despite the fact that understanding the workings of the complex electronic systems of processing is crucial to performing in the position.

While the reorganization added a GS-12 pay scale to the position of registration specialist, as of the date of this testimony, only one specialist has been promoted to that level since the reorganization. Slowness in processing in the electronic system is due exclusively to defects in the system, rather than the lack of staff proficiency. In implementing the current reorganization, many managers received pay increases. The Guild is unaware of any manager expressing a willingness to return his or her pay increase because processing in the new system is slower than anticipated. Equity requires the promotion of staff members who demonstrate the ability to perform at the GS-12 level.

In closing, the Guild would like to say that the Copyright Office has many fine managers, particularly at the processing level. The Copyright Office needs less centralized authority, and greater power should be shifted to those expected to do the work. By shifting power down the chain of command, the Guild believes efficiencies can be achieved in a reasonably short period of time. Central to such a course would be leaving paper in paper for processing purposes. And certainly during this transitional re-engineering period, staff should not be held responsible for the backlog.

Uncompromising Extremism in the Labor Relations Program

Last May, when the Guild testified before the Subcommittee about the controversy concerning the reporting of official time for representational activities, we requested that you review the activities of the Office of Workforce Management (OWM). We made this request because that office was engaging in behavior that did not serve the best interests of the Library of Congress and, in fact, brought the institution into disrepute. A basic principle expressed in the Federal Service Labor-Management Relations Statute is that labor organizations in the civil service are in the public interest. Unfortunately, the OWM tossed aside this principle and spent appropriated funds trying to silence the voice of its professional union – the Library of Congress Professional Guild, AFSCME 2910. And they tried to do it using tools which unions have traditionally utilized - the grievance procedure and collective bargaining.

In a grievance filed against the Guild (October 2006) Charles Carron, Director of Workforce Management (www.carronlaw.com) argued that Guild officers and stewards were not providing sufficient detail in their time reports submitted for representational activity. His remedy for this alleged deficiency was to place the Guild president, chief steward and area stewards on leave-without-pay or enforced annual leave until they did so. This harsh remedy shocked us because a month before the grievance was filed Mr. Carron sent an email to the Guild president stating, "I would like to clarify that I am not accusing the Guild, or any of its representatives of having abused official time."

The grievance was heard before Arbitrator James Harkless and on July 16, 2007, he ruled in favor of the Guild. Mr. Harkless found that Guild officers and stewards did not violate either the Collective Bargaining Agreement or the Labor-Management Relations Statute when they reported their representational time to management.

Employees volunteer for union office and they are elected to their positions by their colleagues. Threatening these employees with loss of pay is a serious matter, so you can imagine the sense of relief in the Guild Office when the news broke that we won the grievance arbitration case.

But our troubles were not over. At the same time that he filed the grievance against us, Mr. Carron reopened Article 6 of our Agreement arguing, again, for greater specificity including the creation of records identifying the staff members who talked with us including the subject matter of the discussion.

In one bargaining session, we pointed out that no other federal agency required labor organizations to divulge such confidential discussions. Mr. Carron's reply was that he intended to create new law.

Since the Guild would never consent to create the records Mr. Carron sought, a bargaining impasse was reached between the parties and the matter was referred to the Federal Service Impasses Panel (FSIP). On November 30, 2007, Panel Member Barbara Bruin attempted to

mediate between the parties but was unsuccessful. Mr. Carron did not compromise in his insistence on records identifying employees who sought assistance from the Guild.

The FSIP has broad statutory authority to resolve negotiation impasses in the Federal sector and both parties were instructed to submit their "last best offers." Mr. Carron revised his proposal to make it even more draconian by requiring the Guild to report confidential discussions with employees to the Inspector General's office.

Karl Schornagel has been the Library's Inspector General since 2001. In a letter to Mr. Carron dated December 18, 2007, he disavowed the position which was being argued before the Panel. This letter stated in part:

> "We do not advocate collection of detailed information concerning representational activities. We believe that in order to compile meaningful statistics, union officials should record , at minimum (a) the type of encounter, using broad categories on which the Library and unions can mutually agree, and (b) responding to privacy concerns raised by the unions, no information concerning the identity of the person raising an issue need be recorded. . . .[emphasis added]"

On January 15, 2008 the Panel issued its final and binding decision in Case No. 07 FSIP 111 adopting the Guild's position. See http://www.flra.gov/fsip/finalact/07fs_111.pdf . In its decision, the Panel noted "we are not persuaded that . . . the Employer has established a record that would warrant the adoption of its approach to official time reporting."

And so the battle over representational time was over, but what an incredible waste of federal resources. Looking back, the battle was clearly unnecessary as well as costly and damaging to all involved.

We will be forever gratified for the support we received from our members, from other labor organizations, the library community, friends in Congress, journalists and members of the public concerned about protecting privacy rights and union rights. And, yes, there were many supervisors and managers at the Library of Congress who wished us well.

We are cheered by the fact that this sad chapter in the Library's history has ended. And we hope for a new direction in the Library's labor relations program that leads to reconciliation.

Proposed changes in the Office of Workforce Diversity

In early March the Librarian's Office suddenly announced its plans to restructure the Office of Workforce Diversity (OWD). This office consists of the Dispute Resolution Center, the Equal Employment Opportunity Complaints Office and the Affirmative Action & Special Programs Office which includes the Interpretive Services Program. The employees who work in these offices are not represented by our union, but the programs and services they provide directly

affect our bargaining unit so we are thankful for this opportunity to comment on the proposed restructuring or realignment.

The Dispute Resolution Center, (DRC) is a small office which was created as a result of the Administrative Dispute Resolution Act of 1990. The DRC was one of the first Alternative Dispute Resolution offices in the federal government and has served as a model program for numerous agencies over the last fourteen years. Originally, the DRC consisted of four conveners, one GS-15, and three GS-14s. Some years ago, the GS-15 retired and was not replaced. Recently, one of the conveners retired so the staffing levels in the office have been reduced by half. (The statistics which the Inspector General relied upon in his September 2007 report which was critical of the DRC are already obsolete.)

We wish to point out to members of the Subcommittee that the greatest resource at the Library of Congress is the people who work here. The 4,000 staff members who comprise our community include managers, supervisors, professionals, clerical and technical staff. The hard work, loyalty, and dedication of staff to the institution and to the Congress is well-known. But what is not known – nor talked about – is that woven through the complex relationships in many workplaces at the Library is the reality of stress. Miscommunication or misunderstandings added to the mix can spur disputes and conflict.

When employees come to the Guild office to voice their concerns, Guild stewards and officers try to be good listeners and advisors. Upon hearing such a wide variety of concerns and complaints we address them by seeking resolutions that will be beneficial to the employees and to the Library.

Many of these situations are of such a nature that utilizing the traditional grievance procedure to litigate the "rights and wrongs" before a Library official or a hearing officer could be counter productive. Besides being costly and inefficient for all involved, the parties end up characterized as "winners" and "losers." For these and other reasons, our union has steered disputants to mediation in the DRC for a better resolution of their problems.

It has been our experience that even seemingly minor disputes, such as the wording of a counseling memorandum or the narrative of a performance evaluation, are very important to the parties involved and mediation often reveals the deeper underlying issues that need attention to foster good working relationships. Even in serious violations of the collective bargaining agreement or a Library of Congress regulation, we often prefer to resolve the grievance informally and at the lowest step possible through mediation.

Resolutions which are achieved through skilled mediation have an added value when good working relationships are reestablished. This outcome, beneficial to both parties, is not the norm in the grievance process.

To resolve disputes, conveners must possess considerable diplomatic skills. They must also

respect the confidentiality of the information they receive, and be acutely aware of the functioning of the agency in order to advise on realistic courses of resolution. Conveners must be sufficiently graded to relate effectively to high graded managers. In a briefing we attended on the proposed restructuring of the OWD, we were pleased to learn that the Librarian's Office does not plan to replace the neutral mediators of the DRC with managers appointed in their stead. Managers rotated through the DRC would never be trusted by the staff as being unbiased and respectful of confidentiality and the mediation process would become useless. Aggrieved staff would then have few alternatives to litigation.

It is our experience that the work of the Dispute Resolution Center is generally effective. Not all disputes are successfully resolved. That, however, is the reality of mediation. A dispute is resolved when disputants find common ground. Sometimes, that doesn't happen, but more often than not, it does. At a minimum, the issues separating the parties become better defined. Moreover Guild stewards, who do the lion's share of representational activity in the DRC, praise the mediation skills of the conveners whom they regard as being fair and even-handed.

The Affirmative Action and Special Programs Office was heavily criticized in the IG's report. The Library employs an exceptionally diverse staff, yet upward mobility within the agency has not been easy for under-represented groups. This office administers the programs to enhance upward mobility opportunities and provides forums to learn about and discuss diversity issues.

In order to succeed in the mission of this office, it is necessary to achieve a buy-in from the Library's operating divisions since these divisions have the jobs to provide the upward mobility. To date, few Library offices have offered positions for internship and detail programs and some offices resist the loss of staff selected for leadership development. Most of the short-comings of the affirmative employment program are attributable to this lack of buy-in from the operating divisions not to any alleged ineffectiveness of the staff in that Office.

The emphasis on downsizing this Office hardly communicates support for the mission of promoting upward mobility, nor is it likely to result in greater buy-in from the operating divisions.

The Interpreting Services Program for the deaf and hard of hearing is administered by the Affirmative Action and Special Programs Office. There has been instability in the interpreting service program since 2004 when the OWD abolished the position of staff interpreter and hired contractors to provide service but only on a part-time basis. Thereafter, contracting problems plagued the interpreting service and there was no program manager to schedule and coordinate service. Denial of service, no shows for scheduled service, and service that arrived too late were frequent experiences at the Library. Deaf staff in our bargaining unit have been very patient but they are weary of this continuing struggle for interpreting service. They advocate for a permanent staff interpreter because experience has shown that a staff interpreter who understands the organization and its employees is much more effective than a constantly changing roster of contractors who have trouble locating the rooms for their assignments. In the turmoil that will

accompany a restructuring of the OWD, we ask that you give attention to the needs of deaf and hard of hearing staff, and their hearing colleagues who need and want to communicate with them. A fact sheet attached at the end of our testimony contains additional information about the deaf and hard of hearing staff.

The Equal Employment Opportunity Complaints Office

Enforcement of equal employment opportunity laws (EEO) at the Library of Congress is peculiar relative to other federal agencies. In the executive branch agencies, the Equal Employment Opportunity Commission is responsible for enforcing EEO law. This policy makes sense because it would be foolish to expect federal agencies to enforce EEO laws against themselves. At the Library of Congress, the Librarian's Office is responsible for enforcing EEO laws. (42 USC §2000e-16)

Because the Librarian is both the employer/respondent and the administrative official charged with making the final decision on an EEO complaint against the Library, his roles are in conflict. For the same reason, the Library's EEO process is neither impartial nor fair because the Librarian rarely, if ever, rules for the complainant. This process compares unfavorably to processes which apply to our colleagues in other Legislative Branch agencies. Employees who are covered by the Congressional Accountability Act have the right to counseling, mediation, and adjudicatory procedures administered by the independent Office of Compliance, and may appeal to the Board of Directors of the Office of Compliance, a tribunal independent of their employing agencies.

As regarding the Equal Employment Opportunity Complaints Office, the IG's report generally supported the performance of the staff, and found staffing levels and workload levels comparable to the benchmark agencies. Nevertheless, it appears the Librarian's Office has targeted this Office for major changes in the reorganization. The Guild believes the EEO process in the Library of Congress needs to be reformed through greater independent oversight, similar to other federal government agencies. Reform of this nature would require changes to the statutory provisions for EEO in the Library of Congress.

We wish to commend the Library for the revision of its merit selection and employment procedures following the resolution of the Cook Class Action Case in 2001. But since the record of the Librarian of Congress on individual EEO complaints is to deny discrimination in virtually all instances, we would view any plan for reform of the EEO process coming from the Librarian's Office with skepticism.

The Future of Cataloging

In Guild testimony one year ago, we discussed the concerns of Library employees about the directions that Library management was choosing for the Library's future. These concerns have not been eased over the last year, but heightened. We do not fear anything so drastic as an outright closure, the fate of several Environmental Protection Agency libraries. What we do fear is the harm done to the Library's mission of service to the nation caused by the cumulative impact of seemingly small decisions. Through action and inaction, the effects of unheralded decisions are being felt and the consequences will grow as time passes.

The issues we would like to address in the area of cataloging include proposed changes in the manner of performing subject analysis at the Library of Congress and the impact of staffing decisions on the cataloging services provided by the Library of Congress.

On January 9, 2008, a report was issued by the Working Group on the Future of Bibliographical Control, a group of 16 library and information industry professionals organized by Associate Librarian Deanna Marcum in November, 2006. (http://www.loc.gov/bibliographic-future/news/lcwg-ontherecord-jan08-final.pdf) During 2007, the Working Group held three meetings in different locations around the country, gathered viewpoints via email on the future of bibliographic control, and wrote a 44 page report with ten general recommendations and 38 specific recommendations for the Library of Congress and other members of the library community.

Recommendation 4.3.2 advocates the transformation of Library of Congress Subject Headings (LCSH) through the "decoupling" of subject strings. The Working Group views LCSH as overly complex and difficult to use for both catalogers and library users. This proposal is an evisceration of the manner in which subject cataloging and classification has been developed and maintained at the Library of Congress for over a century.

While management may claim that it has no intention of destroying the LC Subject Heading system, this radical revision, despite retaining the name of LC subject cataloging, fundamentally alters the end product of LC subject analysis, its characteristics, and the functions it is able to perform. Instead of providing libraries in every congressional district and throughout the world with a continuation of the system of subject access that makes the book literature of the world findable in a systematic manner, the new system would make book retrieval haphazard, superficial, partial, and largely confined to English language books.

Catalogers assign subject headings according to a set of rules which result in "pre-coordinated subject strings" that describe the concepts discussed in a resource. Catalogers often have academic training, but their expertise is developed by cataloging all the literature received by the Library in their subject. In turn, that cataloger will help to develop the controlled vocabulary of LCSH as an ongoing collaborative process.

The Working Group's "decoupling" proposal suggests a simplification of subject analysis which would limit each subject field to a single term, essentially ending the ability of a single subject string (which combines subject terms and "subject subdivisions" that provide topical, geographical, chronological, and genre data) to describe the concepts contained in a resource. For example, "Afghanistan – History – Soviet occupation, 1979-1989 – Chronology."

This proposed simplification disables subject headings from suggesting possible avenues of discovery to researchers and revealing a greater context of knowledge which is exhibited when the subject strings are displayed together in a single list. This new understanding of Library of Congress cataloging would dismantle the professionally-created networks of relationships and interconnections among the various standardized subject headings. These networks of cross-referencing and relational displays are integral to the functioning of the subject retrieval system.

In layman's terms, a standardized subject string composed of standardized subject terms can be broken down as needed by software such as web browsers with faceting capability. However, only humans can assemble standardized terms into sophisticated and complex concepts.

Concepts, as expressed in "subject strings," provide a level of analysis that cannot be provided by single words located by keyword searching. The subject displays created by LC employees using LCSH are much more efficient than Web-search mechanisms, such as those provided by Google or Amazon or LibraryThing, both in presenting easily intelligible and systematic overviews of available literature, and in preventing the burial of high quality sources within mountains of irrelevancies that have the right words in the wrong conceptual contexts.

There are many complex technical requirements in enabling American scholars to gain a quick overview of very large and involved bodies of literature in all subject areas, and in the more than 450 languages that the Library of Congress collects. The complexity of the work done by our professionals, however, results in a system that allows simple recognition of a wide variety of available search options within any subject, recognition that does not require prior subject expertise on the part of the researchers using the system. In other words, because of the professional work done by catalogers, researchers can simply recognize what they cannot specify in advance.

These cataloging activities, the underpinning of scholarly research at the deepest and most comprehensive levels, cannot be replaced by the Web 2.0 mechanisms that the Working Group – and LC management itself – is recommending as their replacement.

The Library's Cataloging Policy and Support Office (CPSO) completed a report in March, 2007, entitled "Library of Congress Subject Headings, Pre- vs. Post-Coordination and Related Issues." (http://www.loc.gov/catdir/cpso/pre_vs_post.pdf) Endorsed in June, 2007, by senior cataloging division managers, the document supports current LCSH practice and provides suggestions for lowering the cost of the process. The report states that " … pre-coordinated strings provide context, which is needed for 'disambiguation, suggestibility, and precision' and browsability.

Pre-coordinated strings have a sophisticated syntax that can express concepts better than single words, yet also can be faceted by systems to group topics into categories for post-coordinated displays when desirable." Unfortunately this document was not publicly released by the Library until February, 2008, after the Working Group had conducted its deliberations, formulated its recommendations, and released its report.

Internationally, LCSH is well known and widely used. The British Library, after a hiatus of eight years, reinstated its use of LCSH in January, 1995. (http://www.loc.gov/today/pr/1995/95-022.html) Library of Congress employees travel around the world to train library staffs to use LCSH. (http://www.loc.gov/catdir/lccn/lccn1012.html) Surveys conducted between 1997 and 2000 by the International Federation of Library Associations and Organizations (IFLA) showed that LCSH is extensively used in national libraries worldwide. Many non-English speaking nations reported using a translation or adaptation of LCSH as their principal subject heading language (Heiner-Freiling, Magda. "Survey on Subject Heading Languages Used in National Libraries and Bibliographies," in *Cataloging & Classification Quarterly*, vol. 29, no. ½, 2000).

We believe that the dissolution of the current Library of Congress Subject Heading system would be a great loss to the nation and to the Library's ability to organize and provide access to its collections. For further information on this topic, please see the Guild website www.guild2910.org.

Appropriate staffing is another issue which raises our concern about the Library's ability to provide service to our nation's and the world's libraries and their users. Over the last several years large numbers of staff have retired and their positions remain unfilled. These staff losses have been felt acutely in the technical services area where the absence of language and subject expertise to provide human analysis of the Library's vast resources, both analog and digital, has left the Library ill-equipped to deal with the large volume of materials it receives.

This places the Library in the position of being unable to provide to the nation's libraries the high quality cataloging records which have been its hallmark. This is work that can only be performed by highly skilled, extensively trained and experienced, conscientious human beings.

The proposed reorganization of LC's acquisitions and cataloging operations includes plans to rewrite the position descriptions of professional catalogers in such a way as to minimize, or even eliminate, their need for subject expertise. Additionally, acquisition responsibilities, which require expert knowledge of a different set of skills and abilities, will be combined with cataloging duties in the new position descriptions, further diluting the attention paid to cataloging activities. More, rather than less, subject and language expertise is required to maintain cataloging process at the Library of Congress.

Certainly all of the cataloging that needs to be done across the United States cannot be accomplished in one place, but, there are efficiencies to be gained by having a significant part of the work and the process for establishing guidelines for performing this work centralized at the

Library of Congress – the nation's library. This has been the situation for most of the past century, but this system can easily be lost and not easily reconstructed.

Is Library management exercising proper stewardship over the unique institution they guide? Will the legacy of the current Library management be a legacy of abandonment that discards useful and necessary activities that have been developed over decades? Shouldn't the Library be working to integrate the unique contributions of the human information analysis performed by its staff with the potential of new technology? What should the Congress be doing to exercise its proper oversight responsibility as caretaker for the Library of Congress?

Closing remarks

We close our testimony with a plea to the Librarian's Office to urge the new food service contractor, I. L. Creations, to settle its contract dispute with Local 25 of the Hotel and Restaurant Employees Union. This small group of dedicated employees has served the staff and public in Library cafeterias, some for over thirty years. The new food service contractor has attempted to quash their local union and, on more than one occasion, has called the police in an attempt to remove the union's service representative from the premises (the LC police refused.) This is shameful.

At the Library of Congress, the collective bargaining rights of every person - whether they work as reference librarians or in food service - must be upheld.

> "Where, after all, do universal human rights begin? In small places, close to home -- the factory, farm, or office. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world."
>
> -- Eleanor Roosevelt, 1953

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Deaf and Hard of Hearing Employees at the Library of Congress

Fact Sheet

May 2008

Deaf Staff Work

The Library of Congress is a highly technical and academic workplace with a mission to make its resources available and useful to Congress and the American People and to sustain and preserve a universal collection of knowledge and creativity for future generations. Currently, eighteen deaf and hard of hearing staff members work throughout the Library providing service to the public and to Congress, creating collections of valuable materials, and sustaining programs provided by the Library. Many of these staff members are in senior positions with over 25 years of service. They are part of the Library's extraordinary linguistic and cultural diversity.

Where they work, what they do:

- Congressional Research Service as Legislative Information Specialists
- Financial Reports Office as an Accountant
- Law Library as Legal Information Technicians and Clerk Assistants
- Bibliographic Access Division as Catalogers, Senior Acquisition Assistant, Acquisition Assistant, Verification Cataloger, Copy Technician, and Serial Technician
- Collections Access, Loan, and Management Division as Stack Attendants
- Geography and Map Division as Senior Cataloging Specialist and Senior Cartographic Materials Cataloger
- Prints and Photographs Division as Digital Conversion Specialist and Library Technician
- Information Technology Services as Programmer/Systems Designer

Cumulatively, the deaf/hard of hearing staff have several hundred years of experience which they are passing on to a new generation of librarians through an internship program for deaf high school students. Between five and ten deaf/hard of hearing students from the Model Secondary School for the Deaf participate in the Library of Congress' Model Secondary School for the Deaf Internship Program (MIP) every Wednesday from October to April. The interns work in different divisions performing a variety of jobs in exchange for the work experience, training, and mentoring from senior deaf staff at the Library of Congress.

Deaf Staff Participate and Associate

Three deaf staff members serve as officers of the LC Deaf Association. Deaf/hard of hearing staff are members of the Library's unions: AFSCME 2477, AFSCME 2910, and CREA. They serve on LC committees and LC councils. One deaf staff member served for almost thirty years on the LC Safety and Health Committee performing hundreds of workplace safety inspections and building a strong tradition of employee support for workplace safety that is unique in the Legislative Branch of government. Deaf/hard of hearing staff also belong to recognized LC employee organizations serving as members and officers.

Interpreting Services Are Needed by All Staff

Communication is one of the values of the Library of Congress and the Interpreting Services Program is a vital tool of communication for all staff. Deaf and hard of hearing employees and interns, and their hearing colleagues, rely on the Interpreting Services Program to fully communicate with each other and for full participation in staff meetings, team or project meetings, one-on-one meetings, training/classes, organization meetings/events, committee meetings, council meetings, LC public events and programs, LC staff services, medical emergencies, staff social events, and other occasions. As with any organization, communication is key to collaboration and success.

Due to staffing and funding problems and reorganizations at the Library, the Interpreting Services Program has declined over the past seven years thus hampering the work of deaf/hard of hearing staff and their colleagues. The Library needs a permanent full-time employee to provide interpreting service and it needs supplemental services by contact interpreters. Rebuilding the Interpreting Services Program will ensure that the Library is in compliance with the Americans with Disabilities Act and contractual agreements with its unions. A good Interpreting Services Program will restore the Library's reputation as a quality workplace for deaf/hard of hearing employees.

Subcommittee on the Legislative Branch
Witness Disclosure Requirement – "Truth in Testimony"
Required by House Rule XI, Clause 2(g)

Your Name: J. Kent Dunlap		
1. Are you testifying on behalf of a Federal, State, or Local Governmental entity?	Yes	No ✓
2. Are you testifying on behalf of an entity other than a Government entity? A union Local in a federal agency - Library of Congress	Yes ✓	No
3. If your answer to question number 2 is yes, please list any federal grants or contracts (including subgrants or subcontracts) which you have received since October 1, 1996: None		
4. Other than yourself, please list what entity or entities you are representing: Library of Congress Professional Guild, AFSCME Local 2910		
5. If your answer to question number 2 is yes, please list any offices or elected positions held or briefly describe your representational capacity with the entities disclosed in question number 4: Chief Negotiator for Local 2910		
6. If your answer to question number 2 is yes, do any of the entities disclosed in question number 4 have parent organizations, subsidiaries, or partnerships to the entities for whom you are not representing?	Yes ✓	No
7. If the answer to question number 2 is yes, please list any federal grants or contracts (including subgrants or subcontracts) which were received by the entities listed under question number 4 since October 1, 1996, including the source and amount of each grant or contract: None		

Signature: J. Kent Dunlap Date: 4/25/2008

Please attach this sheet and your CV (resume) to your written testimony.

Library of Congress Professional Guild
AFSCME Local 2910
Library of Congress - LM G-43
Washington, D.C. 20540
(202) 707-6493 (voice)
(202) 707-1873 (fax)
guild@loc.gov

April 25, 2008

Curriculum Vitae
J. Kent Dunlap
Chief Negotiator, Library of Congress Professional Guild

Guild Position
For approximately 14 years I have served as the Guild's Chief Negotiator.

Employment in the Copyright Office
July 1971 to 1973 -Worked as an examiner in the Arts Section of the Examining Division of the Copyright Office

1973 to 1975 - Employed as an Attorney-Advisor on the Legal Staff of the Examining Division

1975 to 1992 - My position was transferred to the General Counsel's Office of the Copyright Office.

1992 to present - Promoted to Principal Legal Advisor for the General Counsel.

Education: BA, Psychology, 1966 University of Kentucky; JD University of Kentucky 1971; L.L.M. Georgetown University Law Center, 1974.

CLOSING REMARKS

Ms. WASSERMAN SCHULTZ. Thank you very much. We appreciate your input. Mr. Latham?

Mr. LATHAM. No questions.

Ms. WASSERMAN SCHULTZ. No, I don't have any questions either. Thank you very much. We appreciate the opportunity to talk with you. We have at least three votes on the floor now. So the committee will stand in recess until immediately following the last vote.

[Recess.]

AMERICAN BAR ASSOCIATION

WITNESS

HON. WILLIAM ORTON, AMERICAN BAR ASSOCIATION

COMMITTEE MEETING RESUMES

Ms. WASSERMAN SCHULTZ. Let me call the meeting to order once again. Next we will hear from the Honorable William Orton on behalf of the American Bar Association. Mr. Orton, your full statement will be entered for the record. And you can proceed with your 5 minute summary.

OPENING STATEMENT—MR. ORTON

Mr. ORTON. Thank you, Madam Chairwoman and members of the committee. It is a pleasure to be here. By way of introduction, I am Bill Orton. I was a former Member of the House of Representatives from 1991 to 1997, and I am a member of the American Bar Association's Standing Committee on the Law Library of Congress.

I am appearing today at the request of the President of the American Bar Association, William H. Neukom. I know from my experience in this body that you can read and have studied my written statements, and so I won't go over all of that. I will simply touch a couple of the highlights and then respond to questions if you have any. The written testimony represents the position of the American Bar Association. My comments afterwards would represent my own views.

SUPPORT FULL FUNDING

I won't take time talking about the many wonderful things that I could spend hours on about the Law Library of Congress. But in 1932 the ABA recognized the vital importance of the Law Library and formed the committee on which I serve to be the voice of the legal profession concerning the law library's ongoing development and effective operation. Pursuant to our stewardship, we strongly support full and robust funding of both the entire Library and the Law Library of Congress. It is with this in mind that I convey to you the ABA's deep appreciation of your support of the Library, but also sorrow in criticism for the serious wounds inflicted by many budgetary cuts in the past decade and a half.

The Law Library has been recognized by American business as the mother lode of reliable information on foreign and comparative

law. With the expansion of American enterprise abroad, this area of law is critical. With a high percentage of foreign law specialists in the Law Library near or beyond retirement age, the Law Library does not have a budget to implement a succession plan to replace and train them.

In addition to our support for full and robust funding for the Library, we are also advocating for greater transparency in the appropriation process for the Law Library, thereby promoting greater liability of the Congress' commitment to each of the Library's successes. We also believe that one means of accomplishing such transparency could also provide a necessary mechanism for attracting private source funding from those whom the Library serves. I will return to that in a moment.

We are sensitive to the realities of the appropriation process, recognizing that some see it as a zero-sum game where you must take from the right hand to give to the left. I urge you to refrain from the analysis that would take funds from the larger library to give to the Law Library, but we do urge you to restore what was taken away over time and equip it to fully serve the functions for which it was created 175 years ago.

CLASSIFICATION PROBLEMS

There are obvious problems that continue at the Law Library. For instance, cataloging the law collection into the K classification. Despite the Library's commitment to catalog the classification, a third of the entire collection remains under the old classification and unavailable because only a few staffers remember the old system and could find the volumes under that old classification. Several years after the Law Library created the K classification, while all other libraries have finished, the Law Library is the only library that has not completed the K classification. There is real concern the Law Library could become a museum.

Periodicals and loose leaf collections, which provide the most current analysis and status of the law, until recently were as much as a year out of date. This standard among law libraries entails a delay of only 3 days to a week posting these services. The Law Library, which was a year backlogged, currently takes 30 to 90 days to post. Under this standard our Law Library would rate only as a third-class Law Library.

INDEPENDENT BUDGET AUTHORITY

One remedy would be to fully fund the Library. Another step towards solution is to provide transparency and accountability through a process advanced by Senator Ted Stevens to create and require an independent line item and budget authority for the Law Library of Congress in the Federal budget of the Library of Congress. Accordingly, we have been working with Rep. Zoe Lofgren on legislation that would propose such an approach.

In addition, our committee is interested and willing to assist with funding challenges of the Law Library of Congress. As a vehicle to receive private funding assistance, Rep. Lofgren's bill would authorize a private-public funding foundation to support the Library of Congress' ongoing projects. We have included Dr.

Billington and his staff in discussions of these and other creative solutions.

We want to be clear that the Library staff opposes the budget line item for the Law Library. We continue to seek creative solutions with the Library. But until such an alternative is advanced, we ask for your support for the line item for the Law Library and for the public-private foundation.

SPECIAL APPROPRIATION

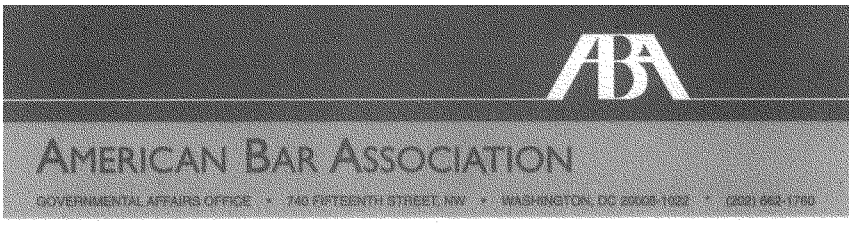
We also seek your support for a special appropriation of a modest $3.5 million to bring the Law Library collection current, cover necessary staff replacement and other needed resources. We also ask for your support for the global legal information network to achieve stability. A private foundation was established to transition——

Ms. WASSERMAN SCHULTZ. About 30 seconds.

Mr. ORTON [continuing]. To transition into a nongovernmental entity; however, it is a victim of its own rapid growth. It now needs a minimum of funding to carry it until it can transition to an all-private foundation.

And with that, I would be happy to answer any questions you might have.

[Mr. Orton's prepared statement, disclosure form, and resume follow:]



Statement of the

HONORABLE WILLIAM ORTON

on behalf of the

AMERICAN BAR ASSOCIATION

submitted to the

SUBCOMMITTEE ON THE LEGISLATIVE BRANCH

COMMITTEE ON APPROPRIATIONS

of the

UNITED STATES HOUSE OF REPRESENTATIVES

on the subject of

THE LAW LIBRARY OF CONGRESS

May 7, 2008

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

I am Bill Orton, former member of the U.S. House of Representatives from 1991 through 1997, and I currently serve as a member of the American Bar Association Standing Committee on the Law Library of Congress. At the request of ABA President William H. Neukom, I appear before you today on behalf of the Association's 413,000 members to deliver testimony on special funding issues facing both the Library and Law Library of Congress. Thank you for the opportunity to appear before you today, and I am happy to answer any questions at the conclusion of my statement.

As you may know, the Library of Congress was founded in 1800 as a resource for Members of Congress. It has since grown into an unparalleled public institution of staggering proportion, housing more than 130 million items in 90 collections, including books, periodicals, film, and audio recordings, in 470 languages. In 1832, a law was enacted further recognizing the special status and role of the Library's law collection, calling for its separation from the rest of the library, and thus creating the Law Department of the Library of Congress. The Law Library of Congress has since become the world's largest such repository, including more than 2.3 million legal volumes and periodicals. The magnitude of these priceless collections renders their value to our nation and the world, as well as the challenges to their daily administration, unique.

In 1932, in recognition of the vital importance of the Law Library of Congress to the administration of justice and the rule of law, the ABA formed a permanent committee to serve as the voice of the legal profession concerning the Law Library's ongoing development and effective operation. Because of its residence within the Library of Congress system, and the interrelationship among various Library collections, the American Bar Association supports the full and robust funding of both the Library and Law Library of Congress. It is with this commitment in mind that I convey to you both our deep appreciation for the support that the Library and the Law Library receive each year, as well as criticism for the relative cuts these grand institutions have endured Such shortages do not merely represent the loss of new or special projects. Even just the inability to fill certain core positions can undermine the libraries' daily operations and the aspirational mission on which each was formed.

As it relates to the Law Library of Congress, this difference between what is required and what is received affects not only the Members of Congress, but also the Law Library's fast-growing list of clientele. The Law Library of Congress has been thought to serve the branches of state and federal government; the legal profession; universities and law schools; corporate law departments; and the general public. Today, with its massive collection and the launch of auspicious initiatives such as the Global Legal Information Network (GLIN), comprised of laws and other legal information from contributing nations, the Law Library of Congress is recognized as the ultimate source of international trade law and an anchor for the rule of law, worldwide.

As American corporations have discovered, the Law Library of Congress has become the "mother lode" of reliable information on foreign and comparative law. It is precisely those fields to which a growing number of lawyers – government and private – are turning to support American enterprise abroad, as well as foreign investment here at home. New business establishment, labor laws, and transportation rules are in the specialized knowledge of selected

Law Library staff, a staff whose looming succession can best be implemented with assured budget sums at hand. Such resources, however, also serve to support the cultural status of the Rule of Law. When Afghanistan was liberated from Taliban rule, it was the Law Library of Congress that located and provided to the Afghani people a preserved copy of their constitution and laws. Other collections within the larger Library of Congress further promote global stability and security. For example, it was in the social studies collection that the only known copy of the autobiography of Osama bin Laden was found.

Yet, despite these impressive accounts, the Library of Congress still must engage in an unenviable priority-setting process with no one department receiving the funding it truly needs, including the Law Library. Over the past 30 years, the ABA has on five occasions adopted formal resolutions intended to help protect the integrity of the Law Library in the face of some budget-saving proposals. The first such resolution, adopted by the ABA House of Delegates in 1979, countered an effort by the Library of Congress's Director of Library Services to terminate the Law Library of Congress as its own department and make it a mere subdivision under another. The result was a letter from the chair of the Oversight Committee, reminding that the status and location of the Law Library were decisions reserved for the United States Congress, alone. Another ABA proposal in 1992 advanced by former Congressman Charles "Mac" Mathias, then chair of our Standing Committee, proposed transforming it into an independent National Law Library as a means, in part, of protecting it from an effort to make it part of the social studies collection. It is out of this historic context that our protectionism of the Law Library has grown – not as a self-serving proposition of the organized bar but in defense of its institutional mission.

That said, we hold the current Librarian of Congress, Dr. James Billington, in very high regard. Under his inspirational leadership, the Library of Congress has not only entered but moved to the forefront of the digital age, increasing the access and relevance of the Library collection to all. As with other portions of the Library collection, he has been a supporter of the Law Library to the extent his available funding allows. Consequently, we are not now advocating for an independent National Law Library. Nevertheless, we believe that one way we can best serve the interest and efforts of the Librarian and Law Librarian of Congress is by supporting a greater transparency in the appropriations process, promoting greater accountability of the Congress's commitment to each of the libraries' success. We believe one particular means of doing this would further provide a necessary mechanism for attracting private source funding from those whom the Law Library serves. I will return to this in a moment.

We are sensitive to the fact that the appropriations process can represent for many a zero-sum shell game, taking from the right hand what it gives to the left. Over the years, however, the Librarian of Congress has leveraged synergies among the collections and staff in adapting to funding and resource challenges. This also means that if one of the contributing departments of the Library must absorb a cut, it will have a disproportionately adverse impact on the Library's overall operation. Accordingly, we urge you to refrain from an analysis that equates supporting one department to the detriment of the others since this would effectively punish the Library of Congress for its stretch for efficiency at a time when Congress is too often called upon to provide enhanced funding to more poorly-managed endeavors. Unlike other requests for support, we are not calling for the enrichment of the Law Library of Congress at the expense of other projects

and programs under your review. We are advocating for the restoration of what has been taken from it over time, and to equip it to fully serve the function for which it was created 175 years ago.

Consider, for example, that despite an ongoing commitment from the Librarian of Congress to dedicate surplus funds to reduce the Law Library's backlog in cataloguing and classification, nearly one-third of the Law Library's volumes remained uncatalogued, accessible only to select Law Library staff. Save for special funds made available by the Congress a few years ago, the Law Library would still be without adequate resources to fully implement the model K classification system, a system it helped develop and which serves as the standard for law libraries nationwide. In harsh reality, there have been moments when qualified observers feared the Law Library was at risk of becoming a museum. We agree with the observation of Dr. Rubens Medina, Law Librarian of Congress, that "[t]he law demands an unforgiving margin of currency." Contrast that statement with the dilemma, until very recently, in which the Law Library's periodicals and loose-leaf subscriptions – which provide the most current analysis and status of the laws – were as much as one year out of date. Standard law library practice entails delay of no more than one week, preferably three days. In this way, our world class institution may operate as only a second-class law library.

There are other consequences, as well. Turnover in Law Library senior staff – especially experts in foreign law – has meant a drop in the efficiency of operation as new staff is trained and this is presuming ample funding has been provided to fill all vacated positions. Accompanying this, a loss of institutional knowledge of the collection impedes proper classification. Further, the escalating cost of acquisition for new volumes and scholarly periodicals, and preservation of older ones, is slowly putting those critical materials beyond the Law Library's reach or protection. Given the state of the current collection, it would seem that even the cost-effective move to broader digitization of the Law Library's collection would require greater resources than it can currently afford.

One remedy would be to fully fund the Library of Congress. Until that happens, reliable solutions for funding both the Library of Congress and the Law Library of Congress at appropriate levels have proven elusive. While we would prefer a simpler solution than legislation, we believe following years of deliberation that the most practical albeit imperfect means of providing the required transparency and accountability to improve matters was advanced by Senator Ted Stevens, i.e., to create, and require for the future, an independent line item and budget authority for the Law Library of Congress in the federal budget of the Library of Congress. That way Congress would have a clearer understanding of the relationship between funding provided and the operational status of the Law Library, as well as provide greater public transparency as to the federal commitment to both the Library's and the Law Library's success.

Accordingly, we have been working with Representative Zoe Lofgren on legislation that would propose just such an approach, as well as additional measures to bring the Law Library collection current and enhance the level of services it is able to provide. For example, one matter under Representative Lofgren's consideration arose from our appearance before the Committee on House Administration in October 2007. Following our testimony at that time, Committee members inquired whether the bar was willing to help with the funding challenges facing the

Law Library of Congress, to which we responded emphatically yes. Consequently, the congresswoman is considering language to authorize a private-public foundation to support the Law Library's ongoing projects. We do want to be clear that these deliberations have included consultation with the staff of the Library of Congress who oppose the budget line item and authority for the Law Library. We remain committed to exploring with them other creative solutions to these issues. However, for the reasons I have stated and until such an alternative is advanced, we ask for your support of these efforts including support for the private public partnership as it may develop and grow.

We further seek your support for one additional request: a special appropriation to the Law Library. We understand that the Herculean task of bringing the collection current would require a comparatively modest $3.5 million to cover the necessary staff and other resources. Of course, we would ask that you support this request but without imposing a damaging offset to what we understand to be an already-stretched Library of Congress budget. The backlog within the Law Library is the product of difficult funding decisions each year, and it would be unfortunate if the funding problems were merely displaced to another important collection.

We believe it is important to emphasize that we also have been willing to explore non-financial contributions to these efforts. During a productive meeting with the Librarian of Congress and key members of his staff in January of this year, we discussed our mutual interest in organizing volunteers, such as from law firms and law libraries, who would each donate months of their time to aid with the catalogue and classification backlog at the Law Library. We had received warm support from the community as we presented this concept. However, in a subsequent conversation with Library staff, we learned that this effort was likely insufficient given the need for highly-trained professionals experienced in the catalogue and classification of foreign language law materials in their native tongue. Given the nature of the work, we understand this project would require the commitment of three full-time employees for a period of at least several years. While we will continue to explore opportunities for providing support to this critical project from within the legal community, it is untenable that the nation's Law Library operates below what the law's currency requires. Accordingly, we urge you to support the additional $3.5 million to begin these efforts as soon as possible.

Supporting the Law Library in these ways can help achieve stability for GLIN, too. An element of Dr. Billington's powerful initiatives for information's digital future, GLIN is a searchable digital database comprised of laws and legal materials from a growing list of more than 30 member nations and has been well understood by Members of Congress to be a way of monitoring government solutions in other lands. Targeted in recent years was GLIN's transition to a private foundation, funded by its growing number of member nations or authorized national and international bodies. However, GLIN's accelerated growth has made such transition impractical for the time being. Continued funding beyond the minimum required to maintain the network has been sought in order to safely cross that bridge without losing momentum. We would ask that you support any such requests when presented.

I thank you for your consideration of our concerns and proposed solutions. I respectfully request that this formal statement be made part of the hearing record and I look forward to answering any questions you may have.

Subcommittee on the Legislative Branch
Witness Disclosure Requirement – "Truth in Testimony"
Required by House Rule XI, Clause 2(g)

Your Name: **Bill Orton**		
1. Are you testifying on behalf of a Federal, State, or Local Governmental entity?	Yes	No **X**
2. Are you testifying on behalf of an entity other than a Government entity?	Yes **X**	No
3. If your answer to question number 2 is yes, please list any federal grants or contracts (including subgrants or subcontracts) which you have received since October 1, 1996:		
4. Other than yourself, please list what entity or entities you are representing: **American Bar Association**		
5. If your answer to question number 2 is yes, please list any offices or elected positions held or briefly describe your representational capacity with the entities disclosed in question number 4: **Member, United States House of Representatives, D-Utah, 1991-1997** **Member, ABA Standing Committee on Law Library of Congress**		
6. If your answer to question number 2 is yes, do any of the entities disclosed in question number 4 have parent organizations, subsidiaries, or partnerships to the entities for whom you are not representing?	Yes	No **X**
7. If the answer to question number 2 is yes, please list any federal grants or contracts (including subgrants or subcontracts) which were received by the entities listed under question number 4 since October 1, 1996, including the source and amount of each grant or contract: **See attached document.**		

Signature: Bill Orton Date: 4/30/08

Please attach this sheet and your CV (resume) to your written testimony.

Memorandum to: House Appropriations Subcommittee on the Legislative Branch

From: Kenneth Goldsmith, ABA Legislative Counsel

Date: May 1, 2008

Subject: Federal Government Grants

Attached is a list of all Federal Government grants to the American Bar Association Fund for Justice and Education in existence since October 31, 2004 through November 2007. This document is expected to be updated again later this month.

The dates listed in the middle column indicate the date of first official award document from the federal agency. Any supplemental awards have been included in the total award column and any extensions to the original award are included in the final column.

Judicial Programs:

Title	Agency	Original Award Date	Total Award	Original Start	End Date
Judicial Fellowship/Outreach	U.S. Department of Transportation	9/16/05	$623,451	9/16/05	9/30/08
Traffic Court Technology Program	U.S. Department of Transportation	8/3/98	$1,143,781	8/1/98	9/30/05

Immigration Programs:

Title	Agency	Award Date	Award	Start	Date
Legal Orientation Programs 07-08	Vera Institute/U.S. Department of Justice	9/14/07	$176,468	7/4/07	7/3/08
ProBono Asylum Representation Program	Vera Institute/U.S. Department of Health & Human Services	8/21/07	$254,519	6/1/07	5/31/08
Unaccompanied Immigrant Children	Vera Institute/U.S. Department of Health & Human Services	1/27/07	$25,000	10/1/06	9/30/07
Unaccompanied Alien Children	Vera Institute/U.S. Department of Health & Human Services	10/24/06	$139,809	6/1/06	5/31/07
Legal Orientation Programs 2006-07	Vera Institute/U.S. Department of Justice	9/5/06	$117,906	7/4/06	7/3/07
Legal Orientation Presentations	Vera Institute/U.S. Department of Justice	3/4/06	$39,302	3/4/06	7/3/06
Legal Orientation Presentations 2005-06	Vera Institute/U.S. Department of Justice	6/9/05	$112,000	4/21/05	3/3/06
Legal Orientation Presentations 2004-05	Norwich University/U.S. Department of Justice	3/24/04	$131,000	2/18/04	4/1/05

Educational Programs:

Title	Agency	Original Award Date	Total Award	Original Start	End Date
Thurgood Marshall Legal Education Opportunity Program	U.S. Department of Education	9/5/07	$2,946,240	9/1/07	8/31/12
National Law Related Education Conference	George Washington University/U.S. Department of Justice	8/5/07	$49,999	1/1/07	9/30/07
Education in Law and Juvenile Justice	U.S. Department of Justice	7/19/06	$152,359	8/1/06	7/31/07
Guidebook on Youth or Teen Courts	Council of State Governments/U.S. Department of Justice	12/19/05	$44,999	8/1/05	9/30/06
Education in Law and Juvenile Justice	U.S. Department of Justice	9/2/03	$827,002	9/1/03	12/31/06
Youth Court Volunteer Training	American Probate and Parole Association/U.S. Department of Justice	9/24/02	$97,500	10/1/02	3/31/05
Thurgood Marshall Legal Education Opportunity Program	U.S. Department of Education	9/25/06	$2,946,240	9/1/06	8/31/11
Thurgood Marshall Legal Education Opportunity Program	U.S. Department of Education	9/8/05	$2,976,000	9/1/05	8/31/10
Thurgood Marshall Legal Education Opportunity Program	U.S. Department of Education	9/29/03	$4,967,500	10/1/03	9/30/08
Thurgood Marshall Legal Education Opportunity Program	U.S. Department of Education	9/9/02	$4,000,000	9/27/02	9/26/07
Thurgood Marshall Legal Education Opportunity Program	U.S. Department of Education	9/28/01	$4,000,000	9/28/01	9/27/06

Programs for the Elderly and Disabled:

Title	Agency	Original Award Date	Total Award	Original Start	End Date
Court Focused Elder Abuse Initiatives	U.S. Department of Justice	9/20/07	$219,409	8/1/07	7/31/09
Elder Abuse Clearinghouse 2006-2007	National Association on State Units on Aging/ U.S. Department of Health & Human Services	3/5/07	$143,321	10/1/06	9/30/07
Elder Abuse Clearinghouse 2005-2006	National Association on State Units on Aging/ U.S. Department of Health & Human Services	1/10/05	$187,443	10/1/05	9/30/06
National Legal Assistance and Elder Rights	U.S. Department of Health & Human Services	9/22/05	$450,000	9/30/05	7/31/08
Elder Abuse Clearinghouse	National Association on State Units on Aging/ U.S. Department of Health & Human Services	1/10/05	$148,025	10/1/04	9/30/05
Elder Consumer Education Project	Stetson University/U.S. Department of Health & Human Services	12/2/04	$50,000	10/1/04	1/31/06
Omaha Elder Abuse/Sexual Abuse Training	City of Omaha/U.S. Department of Justice	3/25/04	$74,662	3/25/04	9/30/05
Indicators of Elder Abuse	American Parole and Probate Association/U.S. Department of Justice	11/11/03	$47,878	10/1/03	9/30/05
Legal Assistance in a Time of Change	U.S. Department of Health & Human Services	8/23/02	$448,050	9/30/02	9/29/05
Developing Elder Abuse Fatality Review Teams	U.S. Department of Justice	11/15/01	$99,998	9/30/01	6/30/05

Criminal Justice System Programs:

Title	Agency	Original Award Date	Total Award	Original Start	End Date
Juvenile Defender Center	U.S. Department of Justice	6/2/99	$2,599,973	5/14/99	12/31/04
Legal Response to Victims of Child Abuse	U.S. Department of Justice	10/4/07	$75,000	8/1/07	4/31/09

Domestic and Family Violence Programs:

Title	Agency	Original Award Date	Total Award	Original Start	End Date
Framework for Enhanced Judicial Response to Domestic Violence	National Council of Juvenile and Family Court Judges/ U.S. Department of Justice	5/17/06	$10,500	10/1/05	2/28/08
Translating Training into Legal Practice	U.S. Department of Justice	10/6/05	$840,000	10/1/05	9/30/08
Teen Dating Violence Toolkits Project	U.S. Department of Justice	9/21/05	$250,000	9/1/05	8/31/06
Domestic Violence Training Curricula	Southwest Legal Center/U.S. Department of Justice	6/14/05	$9,900	6/1/05	7/31/06
Domestic Violence and Child Custody	University of Southern Maine/U.S. Department of Justice	1/6/05	$30,000	10/1/04	9/30/06
Enhancing Sustainable Legal Services for Victims of Domestic Violence	U.S. Department of Justice	8/31/04	$938,611	10/1/04	1/31/09
Teen Dating Violence Project	U.S. Department of Health & Human Services	9/14/03	$249,966	9/30/03	5/31/05

Child Health and Welfare Programs:

Title	Agency	Original Award Date	Total Award	Original Start	End Date
Closed Caption and Recording Program: Evaluating SAA Grantees	U.S. Department of Justice	9/20/07	$591,935	10/1/07	9/30/08
Kentucky Permanency Barriers Project	Eastern Kentucky University/U.S. Department of Health & Human Services	4/26/07	$20,826	7/1/06	6/30/07
National Quality Improvement Center on Non-Residential Fathers	American Humane Association/U.S. Department of Health & Human Services	1/2/07	$168,844	9/30/06	9/29/07
Oklahoma Court Review	Oklahoma Department of Human Services/U.S. Department of Health & Human Services	10/10/06	$32,500	7/1/06	6/30/07
Evaluating Closed Circuit Television 2007 Grantees	U.S. Department of Justice	9/29/06	$2,024,000	2/1/06	10/30/10
Pennsylvania Permanency Project	Diakon Lutheran Services/U.S. Department of Health & Human Services	8/28/06	$700,000	7/1/06	6/30/07
Pennsylvania Permanency Project	Pennsylvania Department of Public Welfare/ U.S. Department of Health & Human Services	5/22/06	$350,000	1/1/06	6/30/06
Kentucky Permanency Barriers Project	Eastern Kentucky University/U.S. Department of Health & Human Services	3/9/06	$59,605	7/1/05	6/30/06
Closed Circuit Television 2006 Grantees	U.S. Department of Justice	1/25/06	$601,014	11/1/05	4/30/08
Pennsylvania Permanency Barriers Project	University of Pittsburgh/U.S. Department of Health and Human Services	1/18/06	$350,000	7/1/05	12/31/05
On-Line Substance Abuse Curricula	Center for Children and Family Futures/U.S. Department of Health & Human Services	1/11/06	$100,000	10/17/05	10/16/07
Hurricane Katrina Relief Regarding Children	U.S. Department of Health & Human Services	9/30/05	$300,000	9/30/05	9/29/07

Child Health and Welfare Programs (continued):

Title	Agency	Original Award Date	Total Award	Original Start	End Date
Improving Understanding of Maternal and Child Health	U.S. Department of Health & Human Services	4/27/05	$597,289	5/1/05	4/30/08
Kentucky Permanency Barriers Project	Eastern Kentucky University/U.S. Department of Health & Human Services	3/8/05	$59,605	7/1/04	6/30/05
Improving Ohio's Child Maltreatment Laws	Ohio Supreme Court/U.S. Department of Health & Human Services	12/8/04	$70,000	11/1/04	12/31/05
Arkansas Court Improvement Project	State of Arkansas/U.S Department of Health & Human Services	9/30/04	$21,000	7/12/04	6/30/05
National Legal Resource Center on Children and Court Issues	U.S. Department of Health & Human Services	9/23/04	$3,875,000	9/30/04	9/29/08
Wyoming Permanency Planning	State of Wyoming/U.S. Department of Health & Human Services	8/1/04	$120,000	8/1/04	12/31/06
Pennsylvania Children's Project	University of Pittsburgh/U.S. Department of Health & Human Services	7/1/04	$1,050,000	7/1/04	6/30/05
Interface Between DSS and the Legal System	New York Department of Social Services/ U.S. Department of Health & Human Services	6/9/04	$327,750	1/1/04	12/31/04
Closed Circuit Television Evaluation of 2001 Grantees	Commonwealth of Virginia/U.S. Department of Justice	2/6/04	$216,340	10/1/03	12/31/05
New Hampshire Court Improvement Project	New Hampshire Administrative Office of Courts/U.S. Department of Health and Human Services	1/15/04	$67,327	1/15/04	1/31/05
Reassessment of Michigan Child Improvement Practices	University of Southern Maine/U.S. Department of Health and Human Services	12/23/03	$91,065	10/15/03	8/31/05
Strengthening Abuse and Neglect Courts Administration	U.S. Department of Justice	11/11/03	$643,393	11/1/03	12/31/07

Child Health and Welfare Programs (continued):

Title	Agency	Original Award Date	Total Award	Original Start	End Date
Improving Court Performance in Child Abuse Cases	U.S. Department of Health & Human Services	9/30/03	$894,953	9/30/03	9/29/06
Office of Child Support Enforcement Task Orders	U.S. Department of Health & Human Services	9/12/00	$604,180	9/18/00	12/31/05
Partners in Programming for Adolescent Health	Maternal & Child Health Bureau	9/13/96	$1,227,138	10/1/96	8/31/08

International Programs:

Title	Agency	Original Award Date	Total Award	Original Start	End Date
Philippines Judicial Reform Activities	U.S. Agency for International Development	9/28/07	$595,000	10/1/07	9/30/09
Kenya Law Enforcement Training	U.S. Department of State	9/26/07	$68,000	9/30/07	10/1/08
Human Trafficking Assessment in Mexico	U.S. Department of State	9/26/07	$150,000	9/30/07	10/1/08
Cameroon Anti-Trafficking Program	U.S. Department of State	9/25/07	$200,000	9/30/07	10/1/08
War Crimes Digest Publication	U.S. Department of Justice	9/18/07	$27,763	8/1/07	7/31/08
Street Law Education Program in Kyrgyzstan	Freedom House/U.S. Agency for International Development	9/18/07	$300,000	9/1/07	8/31/09
Criminal Justice in the NIS	U.S. Department of Justice	9/14/07	$2,915,312	10/1/06	3/31/08
Empowering Youth: Building Rule of Law in the Gulf	U.S. Department of State	8/30/07	$599,395	9/1/07	7/31/08
Arab Council for Judicial and Legal Studies	U.S. Department of State	8/14/07	$200,000	8/15/07	3/30/08
Legal Clinics in Turkmenistan	National Endowment for Democracy/U.S. Department of State	8/9/07	$51,000	9/1/07	8/31/08
Legal and Judicial Training in Bahrain	U.S. Department of State	8/1/07	$700,000	7/1/07	11/30/08
Combating Gender Based Violence in Congo	U.S. Department of State	7/12/07	$555,000	7/7/07	7/7/08
Rule of Law in Vietnam	U.S. Department of State	7/11/07	$650,000	6/27/07	10/27/08
Legal and Judicial Development in Algeria	U.S. Department of State	6/27/07	$700,000	5/30/07	9/30/08
Legal and Judicial Development in Morocco	U.S. Department of State	6/27/07	$400,000	5/30/07	6/30/08
Kosovo Criminal Justice Reform	U.S. Department of Justice	6/18/07	$121,690	6/1/07	5/31/09
CEELI Spring Meeting	Freedom House/U.S. Agency for International Development	5/31/07	$7,767	4/18/07	5/18/07

International Programs (continued):

Title	Agency	Original Award Date	Total Award	Original Start	End Date
East Timor Rule of Law Assessment	Freedom House/U.S. Agency for International Development	5/31/07	$38,068	5/16/07	8/31/07
Assessment Visit to Chad	Freedom House/U.S. Agency for International Development	5/31/07	$9,651	4/1/07	6/30/07
CEELI Institute Meeting	Freedom House/U.S. Agency for International Development	5/31/07	$15,900	3/1/07	4/30/07
Liberia Legal Aid Project	Freedom House/U.S. Agency for International Development	5/14/07	$1,646,562	4/1/07	3/30/09
Legal and Judicial Development in Oman	U.S. Department of State	5/1/07	$400,000	4/1/07	3/31/08
Rule of Law in Georgia	Freedom House/U.S. Agency for International Development	3/20/07	$1,030,000	12/7/06	12/7/09
Citizens Rights Advocacy and Good Governance in China	U.S. Department of State	12/21/06	$1,334,500	12/15/06	1/15/08
Moroccan Judicial Curriculum Project	Freedom House/U.S. Agency for International Development	11/2/06	$1,225,000	9/1/06	2/29/08
Arab Legal Women's Network	Freedom House/U.S. Agency for International Development	11/2/06	$850,000	9/1/06	9/28/07
Turkmenistan Community Empowerment	Counterpart International, Inc./U.S. Agency for International Development	11/1/06	$748,961	9/29/06	9/28/09
European Union and Regulatory Dialogue	U.S. Department of State	9/28/06	$14,500	9/9/06	8/1/07
Human Rights Law Program in Syria	U.S. Department of State	9/25/06	$645,000	9/22/06	9/21/08
Legal Aspects of Accountability in the Military	Defense Security Cooperation Agency	9/25/06	$129,402	9/25/06	9/25/07
Criminal Law Program in Bulgaria	U.S. Department of Justice	9/22/06	$317,312	10/1/05	3/31/07
Regional Anticorruption Coordinator in Central Asia	U.S. Department of Justice	9/22/06	$137,312	10/1/05	1/31/07

International Programs (continued):

Title	Agency	Original Award Date	Total Award	Original Start	End Date
Regional Anticorruption Coordinator in Eurasia	U.S. Department of Justice	9/22/06	$260,312	10/1/05	12/31/06
Prosecutorial Reform Index for Bulgaria	U.S. Department of Justice	9/22/06	$32,312	10/1/05	12/31/06
Russia Anticorruption Program Central Asia	U.S. Department of Justice	9/22/06	$297,312	10/1/05	9/30/07
Criminal Law Program in the Newly Independent States	U.S. Department of Justice	9/22/06	$2,552,312	10/1/05	1/31/07
Criminal Law Reform in Bosnia (supplement)	U.S. Department of Justice	9/22/06	$247,312	10/1/05	10/31/07
Continuing Legal Education for Young Lawyers in Egypt	U.S. Agency for International Development	9/22/06	$730,285	1/1/07	6/30/08
Rule of Law in Lebanon	U.S. Department of State	9/22/06	$500,000	9/8/06	9/30/08
Nepal Rule of Law	U.S. Department of State	9/18/06	$375,000	9/18/06	9/17/08
Enhancing Environmental Law Enforcement In China	U.S. Department of State	9/14/06	$102,400	9/1/06	8/31/08
Exchange Program with China	U.S. Department of State	9/12/06	$218,280	9/6/06	1/31/08
Judicial Reform Index in Albania	U.S. Agency for International Development	9/11/06	$100,000	8/2/06	12/31/08
Women's Resource Center in Ashgabat	National Endowment for Democracy/ U.S. Department of State	9/1/06	$58,822	7/1/06	6/30/07
Promoting the Rights of Women in Iraq	ICF Inc/U.S. Department of State	8/31/06	$348,358	6/1/06	12/31/06
Labor and Investment in Nicaragua	FMI, Inc./U.S. Agency for International Development	8/6/06	$411,777	5/22/06	11/30/07

International Programs (continued):

Title	Agency	Original Award Date	Total Award	Original Start	End Date
Public Service Announcement in Kyrgyzstan, Rwanda, Cambodia and Ecuador	Freedom House/U.S. Agency for International Development	7/13/06	$74,040	3/31/06	5/31/07
Strengthening the Criminal Justice System In Ecuador	U.S. Department of State	6/30/06	$1,769,600	7/15/06	7/14/08
Development of Vietnam's Legal Profession	National Endowment for Democracy/ U.S. Department of State	6/23/06	$223,700	4/1/06	8/31/08
Criminal Justice Program in Bosnia	U.S. Department of Justice	5/18/06	$197,312	10/1/05	9/30/06
Criminal Law Reform in Uzbekistan	U.S. Department of Justice	5/18/06	$87,312	10/1/05	12/31/06
Ukraine Law Enforcement Reform Project	U.S. Department of Justice	5/18/06	$449,624	10/1/05	7/31/07
Nigeria Trafficking in Persons	Freedom House/U.S. Agency for International Development	5/1/06	$1,392,000	3/17/06	3/16/08
Ukraine Pretrial Detention Program	U.S. Department of Justice	4/7/06	$344,624	10/1/05	12/31/07
Romania Criminal Law Program	U.S. Department of Justice	4/7/06	$357,312	10/1/05	12/31/07
Regional Criminal Justice Initiative	U.S. Department of Justice	4/7/06	$272,312	10/1/05	12/31/07
Asia Regional Anticorruption Advisor	U.S. Department of Justice	4/7/06	$497,312	1/1/06	6/30/07
Azerbaijan Legal Advocacy Center	U.S. Department of State	3/15/06	$670,000	3/15/06	3/31/08
Keeping the Door Open: Gender Advocacy in Turkmenistan	U.S. Department of State	3/6/06	$250,000	3/7/06	10/31/08
Court Personnel Reform	Freedom House/U.S. Agency for International Development	12/20/05	$220,901	1/1/06	6/30/07
Liberia Legal Aid Project	Freedom House/U.S. Agency for International Development	12/5/05	$992,889	10/17/05	3/30/07

International Programs (continued):

Title	Agency	Original Award Date	Total Award	Original Start	End Date
Human Rights in Uzbekistan	Freedom House/U.S. Agency for International Development	12/5/05	$334,519	8/1/05	7/31/07
Promoting Integrity within Thailand's Legal System	U.S. Department of State	12/1/05	$667,286	12/1/05	11/30/07
Citizen's Rights in China	U.S. Department of State	9/28/05	$869,000	9/28/05	12/31/07
Rule of Law and Human Rights in Iraq	U.S. Department of State	9/6/05	$2,999,761	9/6/05	1/31/07
East Timor Program	Financial Markets International/U.S. Agency for International Development	9/2/05	$34,368	9/2/05	9/29/05
Civil Society and the Rule of Law	Freedom House/U.S. Agency for International Development	9/1/05	$147,323	9/1/05	11/15/05
Mexico Victims of Torture Project	Freedom House/U.S. Agency for International Development	8/25/05	$3,170	6/1/04	6/30/05
Regional Criminal Justice Initiative in Bulgaria	U.S. Department of Justice	6/8/05	$196,690	10/1/04	12/31/06
Strengthening the Judicial System in Uzbekistan	U.S. Department of Justice	6/8/05	$37,690	10/1/04	11/30/05
Criminal Justice Reform in the NIS	U.S. Department of Justice	6/8/05	$2,077,738	10/1/04	12/31/06
Criminal Law Liaison in Bulgaria	U.S. Department of Justice	6/8/05	$296,690	10/1/04	9/30/05
Stability Pact Anti-Corruption Advisor	U.S. Department of Justice	6/8/05	$222,057	10/1/04	12/31/05
Legal Aid in Rural Areas of Turkmenistan	National Endowment for Democracy/U.S. Agency for International Development	6/1/05	$50,000	6/1/05	6/30/06
Rule of Law in Bosnia	Freedom House/U.S. Agency for International Development	4/15/05	$833,000	4/1/05	12/31/07
Iraq Judicial Integrity Project	U.S. Department of Justice	3/15/05	$5,450,489	10/1/04	3/31/07
War Crimes in Croatia	U.S. Department of Justice	3/2/05	$787,690	8/1/04	7/31/06
Middle East Regional Judicial Program	Freedom House/U.S. Agency for International Development	11/11/04	$6,552,920	9/30/04	4/30/07

International Programs (continued):

Title	Agency	Original Award Date	Total Award	Original Start	End Date
Morocco Legal Education Project	U.S. Department of State	9/28/04	$680,000	9/28/04	7/31/07
Legal Assistance in China	U.S. Department of State	9/27/04	$635,000	11/1/04	9/30/06
Women's Resource Centers in Tajikistan	U.S. Department of State	9/14/04	$350,000	9/9/04	8/31/06
Asia Regional Anticorruption Advisor	U.S. Department of Justice	9/7/04	$520,970	8/1/04	6/30/06
Rule of Law in the Central Asian Republics	Freedom House/U.S. Agency for International Development	9/1/04	$5,550,359	9/1/04	10/31/08
Bosnia Criminal Law Liaison	U.S. Department of Justice	8/27/04	$335,000	4/1/04	12/31/05
Russia Study Tour	U.S. Department of Justice	8/27/04	$35,970	5/1/04	5/31/06
Anti-Corruption in Costa Rica/Criminal Code Review in Ecuador	U.S. Department of Justice	8/23/04	$54,468	8/1/04	9/30/07
Thailand Regional Judicial Program	U.S. Department of State	8/11/04	$76,000	8/1/04	2/1/06
Asia Regional Anticorruption Advisor	U.S. Department of Justice	7/30/04	$245,970	4/1/04	6/30/06
Book Translation and Publication in Azerbaijan (1)	U.S. Department of State	7/30/04	$17,344	8/5/04	4/28/06
Book Translation and Publication in Azerbaijan (2)	U.S. Department of State	7/30/04	$16,884	8/13/04	4/28/06
Iraqi Governance Project	National Democratic Institute/U.S. Agency for International Development	7/26/04	$2,699,740	7/26/04	12/31/05
New Criminal Procedure in Ecuador	U.S. Department of State	7/23/04	$41,023	6/1/04	12/31/04
Judicial Sector Reform in Jordan	Freedom House/U.S. Agency for International Development	7/8/04	$4,029,447	7/8/04	6/30/08
Trafficking in Persons in Latin America	U.S. Department of State	7/1/04	$766,740	7/1/04	4/30/07

International Programs (continued):

Title	Agency	Original Award Date	Total Award	Original Start	End Date
East Africa Anti-Trafficking Project	U.S. Department of State	7/1/04	$1,174,610	7/1/04	3/31/07
Public Advocacy Center in Tajikistan	Eurasia Foundation/U.S. Agency for International Development	5/18/04	$33,864	4/1/04	10/31/06
Citizens Rights in the Ferghana Valley II	U.S. Department of State	5/5/04	$499,000	5/1/04	12/31/05
Latvia Benchbook	U.S. Department of Justice	3/17/04	$18,970	2/1/04	7/31/06
Rule of Law in Kosovo	U.S. Agency for International Development	2/12/04	$3,327,678	2/1/04	2/28/08
Kenya Anti-Corruption Advisor Program	U.S. Department of Justice	1/27/04	$395,970	11/1/03	1/30/06
Stability Pact Anti-corruption Initiative	U.S. Agency for International Development	1/2/04	$1,287,396	1/2/04	8/31/08
Sierra Leone War Crimes Project	U.S. Department of State	12/22/03	$800,000	10/15/03	3/31/06
Global Judicial Integrity Project	Freedom House/U.S. Agency for International Development	12/2/03	$200,000	10/24/03	11/30/06
Cambodia Human Rights Project	East West Management Institute/U.S. Agency for International Development	11/24/03	$1,623,670	9/30/03	3/31/08
Rule of Law in Azerbaijan	U.S. Agency for International Development	11/12/03	$4,499,872	9/15/03	9/14/09
Rule of Law and Governance in China	U.S. Department of State	11/18/03	$550,000	11/1/03	9/30/05
Stability Pact Anti-corruption Initiative	U.S. Department of Justice	11/3/03	$315,030	4/1/03	12/31/07
Media Protection in Kazakhstan	U.S. Department of State	11/15/03	$350,700	11/15/03	2/15/06
Bahrain Court Reform Project	Freedom House/U.S. Agency for International Development	10/14/03	$546,276	7/1/03	7/31/07
Legal Education Project in Mexico	Freedom House/U.S. Agency for International Development	9/30/03	$147,187	7/29/03	9/30/05
Criminal Justice Program in the Newly Independent States	U.S. Department of Justice	9/29/03	$1,805,932	8/8/03	6/30/06

International Programs (continued):

Title	Agency	Original Award Date	Total Award	Original Start	End Date
Role of Defense Lawyers and Criminal Justice in China	U.S. Department of State	9/23/03	$16,000	9/1/03	12/31/04
Criminal Justice in Russia	U.S. Department of Justice	9/16/03	$191,128	6/1/03	5/31/06
Internet Gateway for Anti Corruption Programs	U.S. Department of Justice	9/16/03	$37,377	7/1/03	12/31/06
Law Reform in the Philippines	U.S. Agency for International Development	8/15/03	$2,349,992	10/1/03	12/31/07
Middle East Judicial Reform Project	Freedom House/U.S. Agency for International Development	6/25/03	$1,450,000	6/25/03	7/31/07
Rule of Law in Romania	U.S. Agency for International Development	6/1/03	$1,519,991	6/1/03	9/30/07
Rule of Law in Albania	U.S. Agency for International Development	5/5/03	$600,016	5/1/03	1/31/05
NIS Anti-Corruption Advisor	U.S. Department of Justice	9/30/02	$163,562	9/1/02	12/31/04
NIS Anti-Corruption Project	U.S. Department of Justice	9/30/02	$399,276	7/1/02	12/31/06
Human Rights Clinical Programs at Tashkent State University	U.S. Agency for International Development	9/10/02	$1,369,000	9/10/02	11/30/05
Serbia Law School Linkage	U.S. Department of State	3/25/02	$180,268	3/28/02	12/31/04
Alternative Dispute Resolution Program in Mexico	Freedom House/U.S. Agency for International Development	1/22/02	$1,617,385	8/20/01	4/30/06
Administrative Costs for RIGHTS Program	Freedom House/U.S. Agency for International Development	11/15/01	$206,363	3/1/01	8/31/07
Indonesian Young Lawyers Association	U.S. Department of State	5/7/01	$108,270	5/11/01	12/31/04
Serbia Rule of Law	U.S. Agency for International Development	3/29/01	$7,811,567	4/1/01	2/28/08

International Programs (continued):

Title	Agency	Original Award Date	Total Award	Original Start	End Date
Criminal Justice in Georgia and Anti-corruption Coordinator and Workshop	U.S. Department of Justice	9/30/00	$619,789	9/30/00	12/31/05
Rule of Law in Belarus	U.S. Agency for International Development	7/12/00	$2,261,905	4/1/00	5/31/06
Rule of Law in Moldova	U.S. Agency for International Development	6/12/00	$4,625,381	4/1/00	12/31/09
Rule of Law in Ukraine	U.S. Agency for International Development	6/12/00	$6,416,176	4/1/00	10/31/07
Rule of Law in Bosnia	U.S. Agency for International Development	5/1/00	$2,961,730	5/1/00	3/30/05
Rule of Law in Bulgaria	U.S. Agency for International Development	5/1/00	$4,100,000	5/1/00	9/30/07
Rule of Law in Macedonia	U.S. Agency for International Development	5/1/00	$3,393,704	5/1/00	4/30/06
Rule of Law in Armenia	U.S. Agency for International Development	5/1/00	$7,016,200	5/1/00	9/14/09
Rule of Law in Georgia	U.S. Agency for International Development	4/1/00	$6,859,591	4/1/00	12/31/06
NIS/CEE Leader Award	U.S. Agency for International Development	2/1/00	$3,318,997	2/1/00	5/31/07
Russia Rule of Law	U.S. Agency for International Development	10/1/99	$14,793,062	10/1/99	6/30/08
Freedom House RIGHTS Project	Freedom House/U.S. Agency for International Development	6/14/99	$150,000	3/9/99	8/9/05

William H. Orton

36 N. Wolcott Street
Salt Lake City, UT. 84103
801/531-6686 (Office) 801/533-2455 (home) 801/440-5625 (cell)
billorton@att.net

Professional Experience

December, 2000 to 2003

BUCKLAND ORTON, LLC
Salt Lake City, Utah
Of Counsel, Attorney. Tax attorney in law firm. Rated in Martindale-Hubble with the highest "*AV*" rating. Areas of practice included Federal Tax Law, Banking and Finance, and Federal Policy Practice, Congressional, Executive Branch, and Administrative Agency Representation. Now retired from active practice of law.

September, 2003 to Present

The Pitney Bowes Bank
Salt Lake City, Utah
Director. Member of the Board of Directors of the Pitney Bowes Bank, a Utah ILC.

June, 2002 to present

The University of Phoenix
Utah Campus, Salt Lake City, Utah
Instructor. Design and instruct graduate and undergraduate college courses in the fields of law and accounting.

March, 2000 to November, 2000

Candidate for Public Office – Governor, State of Utah
Utah State.
Political Candidate. Conducted political campaign throughout the State of Utah as candidate for election to the office of Governor of the State of Utah.

July, 1997 to February, 2000

Jones Waldo Holbrook & McDonough
Salt Lake City, Utah and Washington, DC
Attorney. Areas of practice include Federal Tax Law, Banking and Finance, and Federal Policy Practice, Congressional, Executive Branch, and Administrative Agency Representation. (Attorney for Idaho Potato Growers v. Rubin – US Supreme Court Case that repealed the line-item-veto).

November, 1998 to March, 2000

Advantage
Washington, DC
Consultant. Member of a team of former Members of the United States Congress that specializes in developing and executing bipartisan legislative strategies and tactics, and provides information, analysis and insight into current legislation as well as government policy.

January, 1991 to January, 1997

United States House of Representatives
Utah 3rd Congressional District
US Representative. Served as an elected Member of the United States Congress representing the people of the Third Congressional District of Utah. Served on the Banking & Finance Committee, the Budget Committee, the Foreign Relations Committee, and the Small Business Committee. Also member of the Entitlement Reform Commission, Founding Member of The Coalition (known as "Blue Dog Democrats"), and Founder of the Information Technology Caucus.

May, 1980 to November, 1990	**William H. Orton, Attorney at Law** ***Salt Lake City, Utah and Washington, DC*** ***Attorney.*** Areas of practice limited to Federal Tax Law.
May, 1980 to December, 1981	**W-I Forest Products, Inc.** ***Portland, Oregon*** ***House Counsel.*** In-house tax attorney for corporation involved in multiple acquisitions and mergers.
December, 1966 to December 1977	**Internal Revenue Service** ***Ogden, Utah and Portland, Oregon*** ***Various positions.*** Audited tax returns of individuals, partnerships and corporations. Also trained new IRS Agents.
May, 1978 to December, 1990	**Tax Training Institute - Northwest Center for Professional Education - Real Estate Tax Institute** Portland, Oregon, Seattle, Washington and Washington, DC. ***Instructor.*** Designed, conducted and instructed continuing education programs for Attorneys and CPAs throughout the United States.
May, 1975 to December, 1987	**Brigham Young University Law School - Portland State University - Portland Community College** Provo, Utah and Portland, Oregon. ***Instructor.*** Designed and instructed college and law school courses on Federal Tax Law.

Education

1977 to 1979	**J. Reuben Clark Law School, Brigham Young University** ***Provo, Utah.*** J.D., (Juris Doctorate)
1972 to 1973	**Brigham Young University** ***Provo, Utah.*** B.S., Anthropology / Archaeology
1966-67 and 1970-72	**Weber State College** ***Ogden, Utah.*** Undergraduate work in Anthropology, Sociology, and Accounting

Organizations

1967 - present	**Church of Jesus Christ of Latter-Day Saints** ***Utah, Oregon, Idaho & Washington, DC*** Served as a missionary and numerous positions in lay clergy.
1980-86	**American Inns of Court** ***Provo, Utah*** Founder and Charter Member of original Inn – Organization now consists of several hundred Inns at law schools throughout the United States and has been sanctioned by the US Supreme Court.

1980 - present

Bar Associations
Utah & Washington, DC
Member of Utah State Bar, Washington, DC Bar, Federal Bar for Utah District, Federal Bar for District of Columbia, 10th Circuit Court of Appeals Bar, US Tax Court Bar, US Supreme Court Bar, American Bar Association – Standing Committee on Law Library of Congress.

June, 1997 to present

Standing Committee on the Law Library of Congress – American Bar Association
Washington, DC.
Committee Member. Advocate in behalf of the Law Library of Congress before Members and Committees of the United States House of Representatives and the United States Senate on issues of budget and operations of the library.

1985-90

Sundance Home Owners Association
Sundance, Utah
Chairman of Home Owners Association

1988-91

Great Western Trail Foundation
Provo, Utah
Founder and Member of Board of Trustees

Interests

Private Pilot, Award Winning Amateur Photographer, Certified Scuba Diver, Fly Fishing, Skiing, Training and Riding Horses. Being a Dad.

ENHANCED PRIVATE FUNDING

Ms. WASSERMAN SCHULTZ. Thank you very much, Mr. Orton. Doesn't the Library of Congress already have the ability to raise private funds for the Law Library?

Mr. ORTON. They do have the ability to raise private funding. The problem that we have had, as we go around seeking funding and the amount of funding and the continuing nature of the funding that would be needed to fund the type of projects that the Law Library needs, we find that people are hesitant to commit the amount and the continuing funding without being certain that their private source funding will not simply replace government appropriations. The way to do that is provide transparency of the government appropriations so they can see through the line item that the government appropriations are there, they are continuing. And then they know that the money that is going into the private foundation is not replacing the government appropriations. They are going into the private foundation and the private foundation is——

Ms. WASSERMAN SCHULTZ. The same thing could still happen. Congress could still back out the same funds because it would be public how much money you raised into the foundation.

Mr. ORTON. They could. But it would be then public and there would be public accountability for what is happening. There would be transparency. It would be evident that because the private foundation money is coming in, that then more budget cuts are going directly to the Library. And it would be very evident that the public funding of the Library is going down while the private funding is going up. And then you could tie it directly and put public pressure to bring the public funding back up.

Ms. WASSERMAN SCHULTZ. And then as far as the line item itself, a separate line item, wouldn't that make it more difficult for the Library of Congress to transfer money to the Law Library in the event there was an emergency?

Mr. ORTON. I don't see why it would.

Ms. WASSERMAN SCHULTZ. Well, my understanding is that it would. Administratively it would be more difficult for them to seamlessly transfer funds to you in the event there was a funding gap if you have a separate line item. The way our silos work, if you have a separate silo, then it is not seamless, like it is right now, that you are just part of the overall library's budget.

Mr. ORTON. Well, their budget has been so small and is such a small percentage of the overall budget there have not been emergencies. I don't know what type of emergency there would be necessitating any kind of significant contribution. I would think that if there were such an emergency, the private sector could step in and help with that kind of an emergency also.

Ms. WASSERMAN SCHULTZ. Okay. Thank you very much, Mr. Orton. We appreciate your testimony.

Mr. ORTON. I appreciate the opportunity.

NATIONAL TOUR ASSOCIATION

WITNESS

HON. JAMES SANTINI, NATIONAL TOUR ASSOCIATION

NATIONAL TOUR ASSOCIATION

Ms. WASSERMAN SCHULTZ. Next we will hear from the Honorable James Santini representing the National Tour Association. Mr. Santini, your full statement will be in the record and you can proceed with your summary of your 5-minute statement.

Mr. SANTINI. Thank you, Madam Chair.

Ms. WASSERMAN SCHULTZ. You are welcome.

OPENING STATEMENT—MR. SANTINI

Mr. SANTINI. I appreciate the opportunity to represent the National Tour Association before you and your committee on the vital topic of access to the new Visitor Center. It is a matter of keen concern and interest to a broad cross-section of the motor coach and tour industry. You see, I am from the National Tour Association. And that is an organization that carries packaged tour members. But we have the American Bus Association, we have the Youth Travel Association, we have the United Motor Coach Association.

CVC TRANSPORTATION PLAN

And we are deeply concerned about the proposal for how to manage in peak period up to 1,000 tour buses, 55,000 tours coming to Washington, D.C., and presumably many of them visit the Capitol Visitor Center by having them disembark at Union Station, park at Union Station, and then be required to get on an alternative form of transportation provided by the Circulator or the District of Columbia. Pay a dollar apiece to go to and a dollar apiece to come back from the Visitor Center. That response is not an adequate solution in any way to reasonable access, reasonable management of the volume of the tourists that come by motor coach.

Let me ask you to look at the solutions or the responses that I think are more in the vein of common sense than the one that has been proposed in the transportation plan that you are considering.

SECURITY PROCEDURES

Put into place a system whereby tour buses, passengers and their contents are inspected to enable them to move to the closest drop-off point to the new Capitol Visitor Center. The system could maintain maximum security and little logistical problem for the public or CVC security personnel.

Travel and tourism advocacy groups suggest the establishment of procedures through which tour operators can minimize screening by using steps to expedite clearance such as no luggage on the bus, registering the passenger and scheduling in advance or other steps that will assist the Capitol Police in their duties to maintain maximum security.

Identify an area close to the Capitol Visitor Center that can serve as a location for screening, holding empty buses, and waiting to reload their passengers after visiting Capitol Hill.

Four, drop-off locations for security-cleared buses to pick up and drop off passengers on a prescheduled basis.

And five, establish an internal-external communications plan to educate tour operators on how to participate in the implementation of the overall program.

I would use the remaining few minutes of time to——

Ms. WASSERMAN SCHULTZ. A minute and 10.

Mr. SANTINI. What is that?

Ms. WASSERMAN SCHULTZ. You have a minute.

Mr. SANTINI. All right. I will try to keep it to 60 seconds.

If you and the members of your committee, Madam Chair, were to issue, I think, a rational mandate to all the parties of interest involved in this particular issue, compel them to sit in a room, either in the Union Station or in the Capitol Hill Police station, and hammer out a balanced and rational response here, we all have an interest in making this work better than it ever could or would under the proposed travel plan. And we should be able collectively, all parties of interest, to hammer out that solution and come back to you with a proposal that has unanimous support of the parties of interest. And I think we would be able to do that.

Ms. WASSERMAN SCHULTZ. Does that conclude your testimony?

Mr. SANTINI. That concludes my testimony.

[Mr. Santini's disclosure form and bio, and the prepared statement of Randy Julian and his disclosure form and bio, follow:]

Subcommittee on the Legislative Branch
Witness Disclosure Requirement – "Truth in Testimony"
Required by House Rule XI, Clause 2(g)

Your Name: JAMES SANTINI		
1. Are you testifying on behalf of a Federal, State, or Local Governmental entity?	Yes	No X
2. Are you testifying on behalf of an entity other than a Government entity?	Yes X	No
3. If your answer to question number 2 is yes, please list any federal grants or contracts (including subgrants or subcontracts) which you have received since October 1, 1996: NONE		
4. Other than yourself, please list what entity or entities you are representing: NATIONAL TOUR ASSN		
5. If your answer to question number 2 is yes, please list any offices or elected positions held or briefly describe your representational capacity with the entities disclosed in question number 4: WDC Legislative Counsel		
6. If your answer to question number 2 is yes, do any of the entities disclosed in question number 4 have parent organizations, subsidiaries, or partnerships to the entities for whom you are not representing?	Yes	No X
7. If the answer to question number 2 is yes, please list any federal grants or contracts (including subgrants or subcontracts) which were received by the entities listed under question number 4 since October 1, 1996, including the source and amount of each grant or contract: Please see attached document. NONE		

Signature: James Santini Date: 5/7/08

Please attach this sheet and your CV (resume) to your written testimony.

Jim Santini
Legislative Counsel
National Tour Association

Jim Santini has been the National Tour Association's Washington representative since 1983. Prior to his work with NTA, he served four terms from 1975 to 1983 in the U.S. Congress as the only House member from Nevada.

Santini has worked extensively in the travel industry. He was the 1997/98 co-chair of American Recreation Coalition monthly Exchange Issue Luncheons and the 1995/96 chair for the Public Lands Working Group for the Travel and Tourism Government Affairs Council.

In 1991, Santini co-chaired TTGAC's Tax Working Group, and he continued his work with the council from 1993 to 1994 as the co-chair for its Campaign to Keep Travel Competition. This campaign coalesced the entire industry to challenge unfair taxes and fees being foisted upon the American traveler.

Santini was active from 1988 to 1997 as a member of the executive committee of TTGAC, which represented 36 national associations in the tourism industry. During 1983 to 1996, he was also a member of the House Travel and Tourism Caucus Advisory Board.

From 1979 to 1982, Santini served as chair of the U.S. Congressional Travel and Tourism Caucus, which became the largest Democratic/Republican caucus organization in the House of Representatives and the first of its kind in Congress. Under Santini's chairmanship, the caucus led the legislative charge that produced the National Tourism Policy Act of 1981.

Among Santini's many recognitions are NTA's Third Annual Award of Merit and the National Legislative Award from the Recreation Vehicle Industry Association. He was also named Travel Industry of America's Man of the Year in Travel as well as one of The 25 Most Influential Executives in the Tour and Travel Industry, by *Tour and Travel News*. In 1982, the U.S. Congressional Travel and Tourism Caucus presented Santini with its Annual Appreciation Award.

The National Tour Association

Statement

On the Transportation Plan for the

Capitol Visitors Center

Presented by:

Randy Julian
2007 Chairman and CEO
National Tour Association

May 7, 2008

Chair Wasserman Shultz and members of the Legislative Branch Subcommittee:

Thank you for the opportunity to talk to you today about the Capitol Visitors Center and transportation issues that will have a great impact on the packaged travel industry.

I am Randy Julian and I am the Immediate Past Chairman of the National Tour Association. The National Tour Association is the nation's leading packaged travel trade association, with more than 600 tour operators amongst our nearly 3000 members. Approximately 300 of our member tour operators feature tours to the Washington, DC area, so the question of access to the Capitol Visitors Center is an important one to our member tour operators.

The National Tour Association has a diverse membership serving all aspects of the travel industry. A significant portion of our tour operator population serves student groups. As you are all aware, many student groups come to Washington, DC every year as part of their history and civics education. It is our members' responsibility that these groups have the most educational, fulfilling and safe experience as possible.

NTA, along with our allied associations the American Bus Association, the Student/Youth Travel Association, the United Motorcoach Association and the Guide Service of Washington, are concerned that the current transportation plan for the Capitol Visitors Center will cause unnecessary hardship for visitors. Of particular concern to this coalition, known as the Travel and Tourism Advocacy Group, is the plan to have passengers disembark from motorcoaches and either walk to the Capitol or pay an additional fee to ride the Circulator to the Visitors Center.

I will briefly address these concerns as well as outline some possible solutions that we think will enhance the visitor experience as well as maintain necessary security.

Thousands of student tour groups visit the Washington, DC area annually. Many of these groups have 200 or more students in 4-5 motorcoaches. These participants must stay with their chaperones and in specific numbers. Having these students get off of their coaches, only to board smaller vehicles, creates significant logistical problems for the group, for the CVC, and for the tour operator.

In addition, the plan to use Union Station as a parking lot for motorcoaches is simply not practical. Only 90 motorcoach parking spaces are available at Union Station and the demand for them far outweighs supply. Adding Capitol Visitor Center motorcoaches to that environment will most certainly cause endless traffic concerns. Where are these coaches park while their groups are in the Center? And, as my colleague Peter Pantuso of the American Bus Association noted in testimony presented on Apr. 1 to the House Subcommittee on Economic Development, Public Buildings and Emergency Management:

> During the peak season, 1,000 private motorcoaches bring as many as 55,000 visitors each day into the District of Columbia. There is no way that anywhere near that number can be accommodated in the area in front of or around Union Station. In addition, the limited space at Union Station would not be able to

accommodate the D.C. Circulator buses that would be needed to load and unload passengers to and from the CVC.

Lastly, the travel and tourism industry is somewhat puzzled that the DC Circulator buses are considered less of a security risk than chartered motorcoaches. The ban on privately-chartered motorcoaches from the Capitol area makes little sense. Without digressing too much on this topic, private motorcoaches have many layers of security to ensure that all passengers are known to the tour operator and/or tour group leaders and have chaperones and/or guides to check passenger identities. We think that motorcoaches are the solution to security-related concerns, not the problem.

The Travel and Tourism Advocacy Group suggests a few commonsense solutions to the Capitol Visitors Center transportation and access issue.

1. Put into place a system whereby tour buses passengers and contents can be inspected to enable them to move to the closest drop off point to the new Capitol Visitors Center. This system would maintain maximum security and little logistical problems for the public or CVC security personnel. The TTAG also suggests that implementation of a thorough screening system, possibly including pre-registration, company based clearances, and/or on site inspections, be created as part of this process.
2. The Travel & Tourism Advocacy Group suggests the establishment of procedures through which tour operators can minimize screening by using steps to expedite clearance, such as having no luggage on the bus, registering the passengers and scheduling in advance, or other steps which will assist the Capitol Police in its duties to maintain maximum security.
3. Identify an area close to the Capitol Visitors Center, which can serve as a location for both screening and holding emptied busses waiting to reload their passengers after visiting Capitol Hill and the Capitol Visitors Center. Having amenities for the drivers, such as a lounge and refreshment area, would be appreciated. The Travel & Tourism Advocacy Group would work with the City of Washington to identify an appropriate location and improvements which would facilitate maximum economic impact for the District.
4. Identify a drop off location for security cleared busses to pick-up and drop-off passengers on a pre-scheduled basis. This location will be close enough to the new Capitol Visitors Center (such as the National Botanical Garden, already manned by Capitol Hill police) so that everyone will have easy pedestrian access to the CVC without a fee based circulator transfer being required. The Travel & Tourism Advocacy Group will work with its governmental partners to implement all of the previously cited steps to make this more accessible drop point work smoothly.
5. Establish an internal and external communications plan to educate tour operators on how to participate in the implementation of this overall program. The Travel & Tourism Advocacy Group will use their collective membership and media contacts to assist their governmental partners in notifying the industry of these new procedures in order to maximize security, enhance visitation, and provide the best visitor experience possible.

Thank you for the opportunity to discuss these important issues with you today. I would be delighted to answer any questions you may have.

Subcommittee on the Legislative Branch
Witness Disclosure Requirement – "Truth in Testimony"
Required by House Rule XI, Clause 2(g)

Your Name: Randy Julian		
1. Are you testifying on behalf of a Federal, State, or Local Governmental entity?	Yes	(No)
2. Are you testifying on behalf of an entity other than a Government entity?	(Yes)	No
3. If your answer to question number 2 is yes, please list any federal grants or contracts (including subgrants or subcontracts) which you have received since October 1, 1996: none		
4. Other than yourself, please list what entity or entities you are representing: The National Tour Association		
5. If your answer to question number 2 is yes, please list any offices or elected positions held or briefly describe your representational capacity with the entities disclosed in question number 4: 2007 Chairman and CEO		
6. If your answer to question number 2 is yes, do any of the entities disclosed in question number 4 have parent organizations, subsidiaries, or partnerships to the entities for whom you are not representing?	Yes	No ✓
7. If the answer to question number 2 is yes, please list any federal grants or contracts (including subgrants or subcontracts) which were received by the entities listed under question number 4 since October 1, 1996, including the source and amount of each grant or contract: none		

Signature: Randy Julian Date: 04-28-08

Please attach this sheet and your CV (resume) to your written testimony.

Randy Julian
NTA Immediate Past Chairman and CEO

Randy Julian is the president of Julian Tours, located in Alexandria, Virginia, and is the immediate past chairman and CEO of the National Tour Association. NTA has a global membership of tourism professionals involved in the growth and development of the packaged travel industry.

Julian founded Julian Tours with his brother, Mark, in 1980, and today the company operates student and leisure packages throughout the United States and Canada. Julian Tours serves as a receptive operator for Washington, D.C., and serves the student market with curriculum-based educational tours. The company also wholesales to tour operators and travel agents.

Julian, who is a more than 20-year veteran of NTA, has served the association the past five years on its Board of Directors. He has received NTA's "Bulldog of the Year" award for his government relations activities, and he has served in a wide variety of volunteer capacities over the years.

Outside of NTA, Julian volunteers with a number of national and global travel trade organizations as well as local organizations in suburban Washington, D.C. He lives in Alexandria with his wife Araxi, daughter Nicole and beagle Maggie.

BUS DROP-OFF POINTS

Ms. WASSERMAN SCHULTZ. Thank you very much. This committee has been quite concerned about the proposal for bus transportation and drop-off, at the CVC. I followed up after our last CVC hearing when Mr. Latham and I expressed concern about the plan to use the West Front as well as the Union Station for drop-off and bus parking at Union Station. We have the same concerns about—and I feel comfortable speaking for both of us but I am sure he can speak for himself—we have concerns about the dollar charge. We have concerns about the number of people that would end up being able to go on each Circulator bus because with large groups of school kids that we get coming through here all the time, the amount of time it would take to transport them from Union Station to the Capitol would really be too much to expect of a large group of kids like that to wait.

So I met with Terri Rouse, the Executive Director of the Capitol Visitor Center, and talked to her about that. They envision that mostly the drop-offs would continue at the West Front. That is both from Chief Morse as well as Terri Rouse. And the option for Union Station would be mostly used to park the buses, if that plan is how they go forward, where most people are going to be dropped off at the West Front and buses can park at Union Station, where they cannot do that now. Right now they are expected to circulate until they pick up their group again. That seems actually better than the situation now.

Mr. SANTINI. That essentially, as I understand it, is the situation now, Madam Chair. At least insofar as I understand that disembark and embark procedure that they have.

PRIVATE SECTOR ROLE

We are suggesting that the private sector should assume a larger responsibility and role here. For example, they would empty all luggage from all motor coaches that are providing access to the Capitol Hill before they get to Capitol Hill. And I think adding a significant——

Ms. WASSERMAN SCHULTZ. Where would you do that?

Mr. SANTINI. They would leave them at the hotel. They would just simply not bring them with them. And they would arrange their tour schedule in such a fashion that they would have a prearranged deposit point for that luggage with the understanding that that is a reasonable way to gain access to the new Visitor Center. And then provide in advance, for example, in coordination with the Capitol Hill Police, not only an itinerary but the clearance of who is on that coach. And for the most part, a significant number are students who are coming to visit Capitol Hill as part of their school assignment. Tens of thousands are represented by that category. A minimum amount of security risk, I think, is entailed in those kinds of access situations.

Ms. WASSERMAN SCHULTZ. Okay.

Mr. SANTINI. And we want to be a partner in the resolution here.

Ms. WASSERMAN SCHULTZ. Well, we will be sure to relay that desire on the part of the Tour Association to the Capitol Visitor Center leadership. Mr. Latham.

TALKS WITH CAPITOL POLICE

Mr. LATHAM. Yeah. I just appreciate your putting forth some ideas. This obviously is a big issue with us. The police have said that, you know, they are going to have such a backlog of buses it is going to be impossible to manage. Number one, have you talked to the Capitol Police? Number two, do you have an answer for them?

Mr. SANTINI. I think, in part, we suggest an answer to the Capitol Police in the conclusion of our testimony today. And I believe that if we are going to use the West Front as a meaningful drop-off point, that is a situation that exists now. As I understand it, that First Street entrance facility there by the Botanical Gardens is what they have now. We are also offering to make that part of the scrutiny job that much easier by arriving with baggage bays that are empty.

Mr. LATHAM. It is still going to back it up. Have you talked to the Capitol Police?

Mr. SANTINI. Yes. Since 2003 we have been in an ongoing discussion with the Capitol Police. And I suppose we were responsible at one point in time for deferring implementation of this particular plan to this date with our persuasive efforts. This particular plan from Ms. Rouse and the Capitol Police, to be honest with you, caught us somewhat by surprise because we thought that we had addressed and taken care of the issue of access to the Capitol by motor coach.

Mr. LATHAM. Okay. Thank you.

Ms. WASSERMAN SCHULTZ. Thank you very much.

Mr. SANTINI. Thank you, Madam Chair.

EASTER SEALS

WITNESS

JENNIFER DEXTER, ASSISTANT VICE PRESIDENT, GOVERNMENT RELATIONS, EASTER SEALS

Ms. WASSERMAN SCHULTZ. Next we will hear from Jennifer Dexter, the Assistant Vice President of Government Relations for Easter Seals. Ms. Dexter, your full statement will be entered into the record and you can proceed with a 5-minute summary.

OPENING STATEMENT—MS. DEXTER

Ms. DEXTER. Thank you very much, Madam Chair. I appreciate the opportunity to be here today. Easter Seals very much appreciates the opportunity to come today to talk about how visitors, advocates and people with disabilities particularly will be able to access the new Capitol Visitor Center. We appreciate all the work that has gone in to making the CVC as accessible as possible. We know how much time and attention has been given to that, and we really look forward to bringing all our volunteers, our clients, our staff up to appreciate the new building.

The focus of my remarks though is going to be on the transportation plan that we just heard about and how it could potentially hinder the ability of many people to visit the Capitol to participate

in meetings with their elected officials and really just participate in the public process.

I am going to share a bit of our experience trying to negotiate getting people with disabilities up for congressional appointments in hope that it might inform the debate a little bit.

DIFFICULTIES FOR DISABLED, ELDERLY

For more than a decade, we have been bringing people up to Capitol Hill every other year as part of our convention. I have been directly involved in coordinating the transportation aspects of that since 1996. Our experience is really, I think, a case study in how it has become increasingly difficult for people with disabilities and older adults to participate in the public policy process through meetings with their elected official.

Our policy and practice has been to provide transportation from our convention hotel on coach buses up to the House of Representatives and Senate office buildings for our participants, many of whom have mobility impairments or are older adults. In the past we dropped them off at a location prearranged with the Capitol Police that was adjacent to the congressional office buildings and was convenient. In order to assist people with disabilities for whom the distance between the House and the Senate would be a challenge, we also provided a small bus that would circulate throughout the day that people could get on and off to facilitate that transfer.

As security concerns rightfully have increased, however, that solution has not been possible for us. Our last convention was in 2007 and we worked tirelessly to stay within the current rules and to work with every potential stakeholder, including congressional offices—Mr. Latham was kind enough to help us with some support in talking to the Capitol Police to work with us. The Capitol Police and our participants were as informed as possible.

We began that process several months before our convention. We had letters of support and phone calls from Members to both the House and Senate-side police and had direct communication with the Capitol Police themselves. Everyone could not have been more accommodating and wanting to work with us and willing to work with us. We finally reached a solution where we had a drop-off location just out at the security perimeter over at Second and C and we were using the Peace Circle to take people back to the hotel. And to facilitate the back and forth between the House and the Senate, we had arranged two times during the day where many coaches could enter the perimeter, do two stops and then leave the perimeter again and get screened each time.

However, when the day actually came, because of lack of available personnel at the time to actually screen the mini coach at the location, a situation that we were prepared for and had been warned might happen, we weren't able to use those mini buses and had to come up with on-the-fly solutions during the day.

Further compounding the issue is that public transportation such as Metro and taxi aren't a viable option for us, as I will explain. Washington, D.C. doesn't have accessible taxis. Thus, a person who uses a motorized wheelchair can't transfer out of their wheelchair——

Ms. WASSERMAN SCHULTZ. You have about a minute.

Ms. DEXTER [continuing]. And is more reliant on things like mini coaches and other kinds of transportation.

Last year I helped one of our clients that needed help from the House to Senate side jump in a cab, as we have all done, and she was a small girl so luckily her mother could help transfer her into the taxi. But as they drove away, I see the trunk and the wheelchair was hanging half out, and I am just crossing my fingers and praying, I hope the trunk doesn't come down on it. I hope it doesn't break. It was upsetting to feel like we couldn't get our folks up here and around up here in a way that didn't risk their health or their mobility equipment.

The other issue is that Union Station is a real issue for people with disabilities because the accessible path from Union Station isn't the one you or I would use. There are no curb cuts on the Columbus Fountain Circle. So to get from Union Station to the Capitol, you have to go around and up. So it is about twice as far. So you either have to inconvenience your whole group if you are with a tour group and take everyone around the long way or you have to kind of separate yourself and catch up with your group later, which isn't really always appropriate.

Because of some of these issues, what we have decided next time we bring people up——

Ms. WASSERMAN SCHULTZ. I need you to wrap up, Ms. Dexter.

Ms. DEXTER. Absolutely. We are probably going to use private vehicles with drivers. That is an option for us, but that is not an option for most people. So I just encourage you to try and come up with a solution to this issue that allows people with disabilities to have the access they need.

[Ms. Dexter's prepared statement, bio, and disclosure form follow:]

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Easter Seals Statement

on the Impact of

Bus and Transportation Guidelines for the Capitol Visitors Center for People with Disabilities

Before the

Subcommittee on the Legislative Branch
U.S. House of Representatives
Committee on Appropriations
May 7, 2008
10:00 A.M.

Contact: Jennifer Dexter, Assistant Vice President, Government Relations
202-347-3066
jdexter@easterseals.com

Easter Seals thanks you for this opportunity to provide input to the ongoing debate on how the public will gain access to the new Capitol Visitors Center (CVC). Easter Seals appreciates all of the work that has gone in to making the CVC as accessible as possible and looks forward to bringing many of our staff, volunteers and clients to experience the center. In addition, we wholeheartedly support the need for security and safety of all individuals who enter the Capitol. The focus of the following remarks is the transportation plan that is currently being debated and how it will hinder the ability of many people to visit the Capitol, one of the most beautiful and important buildings in our nation.

For more than a decade, Easter Seals has transported people with disabilities to Capitol Hill as part of our annual conventions. I have been directly involved in the coordination of the transportation aspect of our conventions since 1996. Easter Seals' experience is a case study in how increasingly difficult it has become for people with disabilities and older adults to participate in the public policy process through meetings with their elected officials on Capitol Hill.

Our policy has been to provide transportation from our convention hotel in coach buses to the House and Senate office buildings for our participants, many of whom had mobility impairments or were older adults. We dropped them off at locations pre-arranged with the US Capitol Police that were adjacent to the congressional office buildings. In order to assist people with disabilities and older adults for whom the distance between the House to Senate would be difficult to walk, we provided a small bus that would circulate throughout the day between the House and Senate office buildings. This arrangement worked very well for providing access to people of all abilities.

Our last convention was in 2007, and we worked tirelessly to stay within the current rules and to make sure that every potential stakeholder, including congressional offices, the Capitol Police, and our Easter Seals convention participants, were as informed as possible. Our efforts to work within the new rules began several months prior to our convention. We had a letter of support and calls from members of both the House and Senate and had direct communication with Capitol police in both the House and the Senate and negotiated what we thought was a great solution.

Our drop off location was to be the corner of 2nd and C Streets NE, just outside the security perimeter. The House-side location was Peace Circle, at the bottom of the steep hill in front of the Capitol. Both these locations had uphill paths that were very difficult, if not impossible, for some of our

participants. To minimize this difficulty, we secured a small bus that could to enter the perimeter at two designated times during the day to help people transition from the House to Senate side. However, because of lack of available personnel to screen the buses at the designated times we were unable to use this option on the day of the event and the bus sat at the checkpoint unused.

As you may know, Washington, DC has no accessible taxis. Thus, a person who uses a motorized wheelchair and thus cannot transfer out of the chair cannot access a taxi to travel within the Capitol perimeter. For those individuals who can transfer out of a chair, they can use a taxi. Easter Seals Project ACTION has developed a taxi-guide that details the roles and responsibilities of the taxi driver and the rider. However, many drivers are reluctant to pick up people with disabilities or are unfamiliar with how to manage a wheelchair.

Last year, I helped one of our clients get a cab to take her from the Senate to the House side. We were lucky that she was a small child and her mother could help transfer her to a cab, but as I saw the cab pull away, I was chagrined by the sight of her wheelchair hanging half out of the trunk of the cab and was worried it might be damaged. We did our best, but were still concerned that we were unable to facilitate transportation to congressional meetings for our participants in a way that did not risk their health or mobility equipment.

Public transportation, such as the Metro, is not a viable alternative for us, as I will now explain. It is very challenging to travel from Union Station to the Capitol. The accessible route is not the direct one most people would take when walking. Because there are no curb cuts on the Columbus Fountain circle, the route is approximately twice as long if you need to maneuver a wheelchair. This is a distance that many people would find way too difficult and frankly time consuming. It also forces people with disabilities to either inconvenience their entire group by having everyone take a longer route, or take a less inclusive approach and separate from their group.
The following are the accessible direction to the Capitol from Union Station excerpted from the "Guidelines for Assisting Those with Accessibility Needs" provided by the office of Senator Enzi.

1) Exit the Metro and take the elevator to street level of back side of Union Station.
2) Exit Union Station through the automatic doors.

3) Turn Right crossing 1st Street, N.W., heading towards the Postal Museum.
4) Travel in a semi-circular path, crossing Massachusetts Ave., N.W., E Street, N.W., and Louisiana Ave.
5) Cross and then turn right on Delaware Avenue and continue traveling past the Russell Building.
6) Cross Constitution Ave. and continue to the Capitol.

We have had such difficulty providing transportation options for our staff clients and volunteers, that for our next Capitol Hill Day, scheduled for October 2009, we are likely going to have to consider renting a small group of private accessible vehicles with drivers for our attendees with disabilities. This is clearly not an option for many individuals with disabilities or tour groups.

I hope that the Easter Seals experience with transportation to and from the Capitol will encourage you to find an optimal way to provide direct access to the CVC.

Jennifer Dexter is the Assistant Vice President, Government Relations for Easter Seals headquarters' Office of Public Affairs. In that role, she leads Easter Seals' efforts with Congress annually to assure funding for all federal programs serving people with disabilities and older adults including Easter Seals' three Federal programs, AgrAbility, the National Center on Senior Transportation, and Project ACTION. She also works with Congress to create and strengthen public policy affecting adult and senior services, transportation rural residents with disabilities, assistive technology, and housing for people with disabilities. Prior to joining Easter Seals in 1996, Jennifer was a research/legislative specialist for the American Academy of Child and Adolescent Psychiatry.

Subcommittee on the Legislative Branch
Witness Disclosure Requirement – "Truth in Testimony"
Required by House Rule XI, Clause 2(g)

Your Name: Jennifer Dexter		
1. Are you testifying on behalf of a Federal, State, or Local Governmental entity?	Yes	No X
2. Are you testifying on behalf of an entity other than a Government entity?	Yes X	No
3. If your answer to question number 2 is yes, please list any federal grants or contracts (including subgrants or subcontracts) which you have received since October 1, 1996: Easter Seals Project ACTION National Center on Senior Transportation National AgrAbility Project Senior Community Service Employment Program		
4. Other than yourself, please list what entity or entities you are representing: None		
5. If your answer to question number 2 is yes, please list any offices or elected positions held or briefly describe your representational capacity with the entities disclosed in question number 4: None		
6. If your answer to question number 2 is yes, do any of the entities disclosed in question number 4 have parent organizations, subsidiaries, or partnerships to the entities for whom you are not representing?	Yes	No X
7. If the answer to question number 2 is yes, please list any federal grants or contracts (including subgrants or subcontracts) which were received by the entities listed under question number 4 since October 1, 1996, including the source and amount of each grant or contract: None		

Signature: Jennifer Dexter Date: _____

Please attach this sheet and your CV (resume) to your written testimony.

CLOSING

Ms. WASSERMAN SCHULTZ. Thank you for your testimony. Mr. Latham.

Thank you very much.

Ms. DEXTER. Thank you.

U.S. GOVERNMENT ACCOUNTABILITY OFFICE EMPLOYEES ORGANIZATION/INTERNATIONAL FEDERATION OF PROFESSIONAL & TECHNICAL ENGINEERS, AFL–CIO & CLC

WITNESS

RONALD LA DUE LAKE, CHAIR, INTERIM COUNCIL, U.S. GOVERNMENT ACCOUNTABILITY OFFICE EMPLOYEES ORGANIZATION/INTERNATIONAL FEDERATION OF PROFESSIONAL & TECHNICAL ENGINEERS, AFL–CIO & CLC

Ms. WASSERMAN SCHULTZ. Next we will hear from Mr. Ronald La Due Lake, Chair of the Interim Council of the GAO Employees Organization. Mr. La Due Lake, your full statement will be entered into the record and you can proceed with a 5-minute summary of your statement.

OPENING STATEMENT—MR. LA DUE LAKE

Mr. LA DUE LAKE. Thank you. I am Ron La Due Lake, the Chair of the Interim Council for the GAO Employees Organization and a specialist in the Applied Research and Methods Team. It is a privilege to appear before this subcommittee. We are particularly grateful, Madam Chair Wasserman Schultz, for your efforts to ensure adequate funding for GAO and also for your support of our efforts to unionize over the past 2 years. Thank you very much.

The GAO Employees Organization represents about 1,760 analysts, just over half of GAO's 3,100 employees. Last fall GAO employees voted by a 2–1 margin to establish this union. Since our votes to organize we have elected an interim council of 39 members that represents each mission team and field office, developmental employees and various diversity groups. We respectfully seek your continued support in order to sustain and grow the workforce necessary to provide high quality service to Congress and the American people.

Our ability to sustain our workload is being challenged by both the decreasing numbers of our workforce and the increasing demand for our work. GAO's full-time equivalent staff usage is at an all-time low of 3,100 FTEs in fiscal year 2008, down 163 since 2003. In the first quarter of fiscal year 2008, we received 26 percent more requests from Congress than we did in the first quarter of 2007. Potential mandates for GAO work are up about 86 percent over the same time period as last year. We are very concerned about the impact of stretching our limited resources across an increasing number of engagements.

SUPPORT FOR BUDGET REQUEST

For all these reasons, we ask that this committee support GAO's 2009 appropriation budget request such that GAO's capacity could be replenished at the rate needed to meet the increasing and compelling demands of the U.S. Congress. Should it be necessary for GAO to use 2009 funds to meet the intent of the retroactive pay provision in H.R. 5683, the GAO Act of 2008, we would appreciate your assistance in making sure that these funds are separate from those intended for the 2009 annual pay increase.

ACCESS TO BUDGET INFORMATION

Historically, GAO has not shared detailed budget information with its staff or the public, including the annual budget justification submitted to the Congress and realtime reports on plans and actual obligations and expenditures.

Recently, GAO took a positive step toward budget disclosure when it issued a report on its contract awards for the past 2 fiscal years.

We believe management should take more proactive steps in making the budget process fully transparent. We would like to work with management to achieve our goals in a fiscally responsible manner by having access to relevant and detailed budget information.

GAO's employees would very much appreciate any assistance you can provide to encourage GAO management to provide full disclosure on its operating budget, budget justifications and actual expenditures in real time. We are proud of the work we do for the U.S. Congress. We are committed to establishing a constructive partnership with GAO management.

RELATIONSHIP WITH MANAGEMENT

In early February, we quickly completed our first negotiated pay agreement with GAO management for 2008. We have begun to develop a working relationship with Acting Comptroller General Gene Dodaro. We are very encouraged by Mr. Dodaro's statement before this subcommittee that he was committed to working constructively with employee union representatives to forge a positive labor relationship.

Our hope that GAO management would view us as a full partner has not been realized. For example, we were disappointed that GAO management did not proactively share with us their views or suggested changes to H.R. 5683, GAO Act of 2008, even though some of these would directly impact our bargaining unit.

We were also disappointed that GAO management did not meet with us to discuss their fiscal year 2009 budget request before the hearing before this subcommittee, nor have they yet provided any budget documentation.

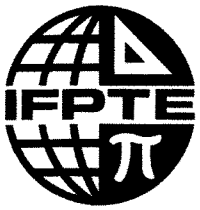
In another example, GAO has decided to evaluate its performance management system; and we wholeheartedly agree that this needs to be done. However, GAO has already gathered a great deal of evidence about problems with the performance management system. It is our view that there is evidence to support some adjust-

ments to the system right away. As the exclusive representative for the bargaining unit, we look forward to working with GAO on this.

In closing, I'd like to reiterate our appreciation for the opportunity to testify and look forward to working with you. I would be pleased to answer any questions that you or other members of the subcommittee may have.

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

[Mr. La Due Lake's prepared testimony, disclosure form, and CV follows:]



GAO Employees' Organization/IFPTE

Testimony

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

Comments on GAO's Fiscal Year 2009 Budget Request and Issues of Concern to Agency Employees

Statement of Ronald La Due Lake
Chair, Interim Council

U. S. GOVERNMENT ACCOUNTABILITY OFFICE
EMPLOYEES' ORGANIZATION/
INTERNATIONAL FEDERATION OF PROFESSIONAL &
TECHNICAL ENGINEERS, AFL-CIO & CLC

GEO-2008-2T May 7, 2008

Madam Chair and Members of the Subcommittee:

I am Ron La Due Lake, the recently elected Chair of the GAO Employees Organization's Interim Council, and a specialist in the Applied Research and Methods team. I am pleased to have this opportunity to appear before your Subcommittee today to discuss several topics of importance to GAO employees. These topics include:

- the status of GAO Employees Organization (the Union) and its relationship with GAO management;
- establishing a transparent GAO budget process for GAO employees and the public;
- appropriate funding to enable GAO to sustain a reasonable staffing level to better manage its increasing workload demands;
- reprogramming approval, if necessary, for retroactive across-the-board pay increases for those employees who were denied such increases in 2006 and 2007 consistent with the intent of H.R. 5683, the Government Accountability Office Act of 2008;
- separate and independent budget requests for GAO's Personnel Appeals Board (PAB) and its Inspector General;
- updates on selected union activities.

Before proceeding, I would like to express my appreciation to you, Madam Chair, not only for your work to ensure adequate funding for GAO to meet its responsibilities to Congress and the American people, but also for your support of GAO employees unionization efforts over the past two years which have culminated in our opportunity to speak before you in this forum today. For the first time, the GAO Employees Organization can express directly to you our thoughts regarding GAO budgetary needs and other concerns.

Status of GAO Employees Organization and its Relationship with GAO Management

The GAO Employees Organization represents about 1,760 GAO analysts and auditors, more than 55 percent of GAO's 3,100 total employees, and is committed to establishing a constructive partnership with GAO management on issues that affect not only our bargaining unit members, but the dedicated staff of the entire agency, in offices across the country. All GAO employees (analysts, auditors, specialists, attorneys, and administrative support staff) work in teams to produce high quality work for Congress that help improve government and save taxpayers money. Our expectations are reasonable: to be equal partners in developing policies that influence how we work and to be compensated fairly. GAO employees are proud of the work we do for the Congress and we value GAO's mission and its reputation. Still, last fall GAO analysts voted by a 2-1 margin to establish a union to represent them. We voted this way because we felt we were not equal partners in important matters that directly affected our worklife. We were not provided enough information to evaluate the validity of our concerns.

Since our vote to unionize, we have elected an Interim Council that meets regularly and is comprised of analysts representing each mission team; each field office; newly hired analysts; and various diversity groups. We have formed active committees comprised of these elected representatives and analysts from the bargaining unit who are examining various matters, such as

the grievance process, a union constitution and bylaws, membership, legislative relations, and negotiating a master bargaining agreement. All of these committees are working, on their own time, to get us as quickly as possible to a permanent union governance structure. We hope to achieve this goal within calendar year 2008.

We are committed to establishing a collaborative working relationship with GAO management and strive to be treated as a partner in the process of moving GAO forward. We take seriously our mission to represent bargaining unit employees. Just a few months ago, we expeditiously completed our first negotiated pay agreement with GAO management for 2008. Although the agreement provided a lower average overall percentage pay increase than that of most federal employees under the general schedule (GS) system - which includes guaranteed across-the-board increases, general and quality step increases, and bonuses - we believe that we negotiated a better agreement than GAO initially offered. This negotiated pay agreement included important provisions that guaranteed a minimum pay increase for all employees (including those outside of the bargaining unit) who performed satisfactorily. This guaranteed increase was on par with GS across-the-board increases (sometimes referred to as a cost of living allowance, or COLA) and our agreement also guaranteed that any increases would be effective retroactively to January, unlike the previous two years when GAO's pay increases were delayed for one to three pay periods. Members of the bargaining unit quickly and overwhelmingly ratified our negotiated pay agreement and we are certain that such an agreement would not have been possible were it not for the union.

Soon after completing the 2008 pay negotiations, former Comptroller General (CG) David Walker announced his departure and we have begun to develop a working relationship with Acting Comptroller General Gene Dodaro. Last week the Interim Council hosted an informal 'meet and greet' to congratulate Mr. Dodaro on his new role as Acting CG, and to give him a chance to meet the 39 elected members of the Interim Council in a collegial environment. Mr. Dodaro reiterated his commitment to work with us to improve the working environment at GAO. We are encouraged by the friendly tone of this meeting and by Mr. Dodaro's statement before this Subcommittee on the 2009 GAO budget request, that he was "committed to working constructively with employee union representatives to forge a positive labor management relationship."[1]

While we are optimistic that our relationship with management will continue to prosper, our attempts to reach out to GAO management have not always been successful. For example, we were disappointed that GAO management did not proactively share with us their views or suggested changes to H.R. 5683 "Government Accountability Office Act of 2008," even though some of these would directly impact our bargaining unit. While we were pleased that GAO management did agree to meet us after we determined the extent of their proposed changes, we were disappointed that GAO management was not able to meet with us to discuss their FY 2009 budget request before the hearing before this Subcommittee that was held on April 10th, nor have they yet provided any budget documents.

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[1] GAO, *U.S. Government Accountability Office: Fiscal Year 2009 Budget Request*, Statement of Gene L. Dodaro, Acting Comptroller General of the United States, GAO-08-616T (Washington, D.C.: April 10, 2008).

In another example, GAO has decided to review all of its performance management systems, and we wholeheartedly agree that this needs to be done. However, we have concerns that we are being asked to be a stakeholder in this process rather than the exclusive representative of bargaining unit employees in terms of soliciting and providing their input. Further, GAO has already gathered a great deal of information about how the performance management system is working through focus groups, several employee feedback surveys, and a Congressionally directed survey of all GAO employees that was recently conducted by the Employee Advisory Council. It seems to us that there is evidence to support some adjustments to the system right away, though it is unclear the extent to which GAO management is considering such timely changes.

Disclosure of Budget Requests and Final Budgets to GAO Employees and the Public

Historically, GAO has not shared detailed budget information with its staff or the public, including neither its annual budget justifications submitted to the Congress nor any ongoing, "real time" reports on planned and actual obligations and expenditures for budget items during the fiscal year. A key mission of GAO is to help the Congress to oversee and analyze the budgets, obligations, and expenditures of federal agencies and while we have considerable expertise within our bargaining unit for budget scrubs, including for large and complex agencies such as the Department of Defense, we are unable to similarly analyze our own agency's budget.

During our recent negotiations regarding the 2008 pay adjustments, we expressed the desire to work with GAO management to assure that our requests were viable, but we had limited budget information to inform our discussions. We worked with GAO management cooperatively on this matter, and while they provided the cost data and analyses of various pay scenarios that we requested, they provided only high-level budget summary tables and narratives after several requests.

Recently, GAO took a positive step toward budget disclosure, when it issued a report on its contract awards for the past two fiscal years (FY 2006 & FY 2007) as required of executive branch agencies by the Federal Funding Accountability and Transparency Act of 2006. This disclosure revealed, for example, that GAO had paid to employ outside counsel to assist management during GAO employees unionization effort rather than use its own in-house counsel, an item that you, Madam Chair, expressed dismay about in your floor remarks on the House Legislative Appropriations bill last June 22. Federal Workforce Subcommittee Chairman Danny K. Davis and Delegate Eleanor Holmes Norton also offered remarks on June 22, 2007; these oversight efforts revealed that GAO paid nearly $1 million per year in 2006 and 2007 to its Senior Executives (SES) in bonuses and retention allowances,[2] while not providing across-the-board adjustments to more than 300 analysts in 2006 and 2007.

[2] GAO spent $837,350 in 2006 and $901,700 in 2007 for SES performance during FY 2005 and FY 2006, respectively. The average SES bonus at GAO for FY 2005 performance was $13,214, while the average SES bonus at GAO for FY 2006 was $12,400. GAO has not disclosed information on any bonuses paid this year for FY 2007 SES performance.

Although GAO's budget disclosure of contract expenditures is a step in the right direction in promoting accountability and providing transparency, we believe management should take more proactive steps in making the budget process fully transparent. In order to negotiate responsibly for the interests of the bargaining unit, we would like to work with management to achieve our goals in a fiscally responsible manner by having access to relevant and detailed budget information, including budget justifications.

Madam Chair Wasserman Schultz and members of this Subcommittee, GAO's employees would very much appreciate any assistance you could provide to encourage GAO management to provide full disclosure on its real time operating budget and actual expenditures by budget object class.

Appropriate Funding to Maintain Needed GAO Staffing Levels

The GAO Employees Organization respectfully seeks your continued support for GAO in order to sustain and grow the skilled workforce necessary to provide high quality service to Congress and the American people. As you know, Madam Chair, from FY 2009 Legislative Branch Appropriations hearings before this Subcommittee,[3] GAO's full time equivalent (FTE) staff usage is at an all time low of 3,100 FTEs in FY 2008, down 163 FTEs since FY 2003, and markedly lower than GAO's post-World War II highest staffing of 5,400 FTEs prior to the downsizing and mandatory funding reductions of the 1990s.Yet, Congressional requests for our work continue to increase. In fiscal year 2007, we received 14% more requests than we did in 2006 and 17% more than we did in 2005. The first quarter of fiscal year 2008 we received 26% more requests than we did in the first quarter of 2007. In addition to Congressional requests, we received a marked increase in statutorily congressionally mandated work in 2007 as compared with 2006. Potential mandates for GAO work included in proposed legislation during the 110th Congress, currently total over 600, or an 86 percent increase from a similar period in the 109th Congress. In just the past year about 200 of these have resulted in actual mandates for GAO work from such significant legislation as the Consolidated Appropriations Act of 2008, the Defense Authorization Act of 2008, and Implementation of the 9/11 Commission Recommendations. Many of these mandates include new recurring responsibilities such as under the Honest Leadership and Open Government Act of 2007 which requires us to report annually on the compliance by lobbyists of registration and reporting requirements.

While GAO employees are dedicated to doing the important work Congress requests of us, this steady increase in demand for our work has created challenges. Not only is our FTE staff usage at an all-time low of 3,100, but at the beginning of FY 2007, more than 42% of our analyst workforce had been employed at GAO for 5 years or less.[4] Some GAO analysts are increasingly expected to lead engagements with teams of talented staff who have limited GAO experience. Other analysts are expected to achieve key milestones in their work with a shortage of

[3] 110th Congress, Legislative Branch Appropriations for 2009, Hearings Before the Committee on Appropriations, House of Representatives, Subcommittee on Legislative Branch, Second Session, Part 1 Justification of the Budget Estimates.
[4] GAO, *FY 2007 Performance and Accountability Highlights*, GAO-08-2SP (Washington, D.C.: January 2008).

appropriate staff. For some specialists at GAO, such as mathematical statisticians, survey specialists, data analysts, economists, and methodologists, the departure of a few colleagues has a disproportionate impact on workload and morale. For them, the challenge is how to stretch their limited resources across an increasing number of engagements in order to assure the quality of GAO's products for Congress.

In addition, differences in salary may contribute to departures of and difficulties in retaining entry-level employees at GAO. GAO offers a lower starting salary for many of its entry level analysts than their peers in the GS system. An entry level GS-9 step 1 analyst with a graduate degree employed in the Washington, D.C. area in 2008 could expect to earn $48,108;[5] a similarly qualified GAO analyst would earn $44,402.[6] GAO pay rates could create an incentive for new staff to gain experience at GAO and then move to other agencies or consulting firms where it is possible to progress in their careers more quickly or earn higher salaries.

Across GAO, the challenge is how to work smarter and stretch our limited resources across an increasing number of engagements in order to assure the quality of GAO's studies, reports, and service for Congress. Therefore, the GAO Employees Organization is very concerned about the impact of the continuing heavy workload on staff morale; these issues make it difficult to sustain not only the quantity of GAO reports and testimonies, but also their quality.

For all of these reasons, we ask that this Committee support GAO's 2009 appropriation budget request such that its capacity can be replenished at the rate needed to meet the increasing and compelling demands of the U.S. Congress, while at the same time not overburdening the on-the-job training and development capacity of the organization's experienced staff. In the meantime, we look forward to partnering with GAO management to address issues and challenges in retaining GAO employees, while providing high quality services to Congress and the American people.

Retroactive Payments to GAO Employees Denied Full Across-the-Board Adjustments in 2006 and 2007

The GAO Employees Organization extends our sincere appreciation for all of the congressional support provided to employees in the effort to form the union and to correct what many employees viewed as unjust pay and performance reviews. Of particular note is the leadership and oversight from Chairman Davis and the Subcommittee on the Federal Workforce, Postal Service, and the District of Columbia to introduce H.R. 5683, that Government Accountability Act of 2008, which provides for the retroactive payment of GAO annual across-the-board adjustments denied to over 300 GAO employees in 2006 and 2007 and sets minimum requirements for the provision of across-the-board adjustments in the future. The GAO Employees Organization supports the passage of H.R. 5683 and is calling on all congressional members to help us by cosponsoring and moving this legislation.

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[5] OPM, Salary Table 2008-DC, Baltimore and Northern Virginia, January 2008 (www.opm.gov/oca/08tables/).
[6] GAO, Salary Table for Analyst Performance Based Compensation System for DC, Dallas, Denver, Chicago, Seattle, January 6, 2008.

In his first testimony as Acting Comptroller General, Mr. Dodaro stated support for the passage of H.R. 5683 including the payment of across-the-board adjustments denied in 2006 and 2007 and set minimum requirements for across-the-board adjustments in the future that are at least equal to those under the GS system.[7] According to the Acting Comptroller General, resolution of this matter would be helpful and would permit GAO to move forward on other important human capital initiatives. To this end, we would like to ask you and the Subcommittee to grant, if necessary, reprogramming approval of GAO prior year expenditure accounts so that retroactive payments can be made to all affected employees.

Budget Line Item for GAO Personnel Appeals Board (PAB) and Inspector General

The GAO Employees Organization is committed to supporting the increased independence of its internal oversight organizations, including its Personnel Appeals Board and its Inspector General, to ensure, as Congresswoman Norton has put it, that GAO employees have an independent venue for resolving their grievances and discrimination complaints without fear that the deck is "stacked against them" by GAO management. GAO employees deserve no less than their colleagues in the executive branch when it comes to these important safeguards. H.R. 5638, the Government Accountability Office Act of 2008, also contains important provisions to make GAO's Inspector General a statutory position.

Recent bills that have passed both the House and the Senate to improve the independence of all agencies' Inspectors General (IGs) may be applicable to GAO's IG, if H.R. 5638 were to pass. These improvements include specific criteria for appointment and removal of IGs, the denial of bonuses for IGs, requirements of separate budget submissions for IG offices, easy links from agency Web sites to their IG's Web sites, guaranteed anonymity for staff who bring claims of fraud, waste or abuse to agency IGs, and required publication and availability of all IG reports.

GAO's union is supportive of any procedures or processes that will increase and ensure the independence of both its Personnel Appeals Board and its Inspector General. If these bills do not pass, we would be supportive of this subcommittee requiring separate budget submissions for both of these GAO offices to help ensure their independence from GAO management.

Updates on Selected Union Activities

As we are moving forward with the new union, the interim council of the GAO Employees Organization is participating in several initiatives to be sure any personnel practices are fair and non-discriminatory and that employees have appropriate means of recourse to grieve issues.

The GAO Employees Organization continues to be concerned about disparities between performance ratings for African Americans compared with other GAO employees, and limited job leadership opportunities for minority groups. To its credit, GAO management commissioned

[7] GAO, *U.S. Government Accountability Office: Human Capital Initiatives and Additional Legislative Authorities,* Statement of Gene L. Dodaro, Acting Comptroller General of the United States, GAO-08-573T (Washington, D.C.: March 13, 2008).

a study with the Ivy Group, L.L.C., to examine the reasons for disparities in ratings. However, we are disappointed that despite repeated requests to management, the GAO Employees Organization only got a chance to meet with the Ivy Group upon completion of their work, missing a critical opportunity to discuss its preliminary findings and address employees concerns before a report was finalized. Learning earlier about the study's preliminary findings would have positioned us to better assist GAO management as a partner in implementing recommendations of the study.

Finally, the GAO Employees Organization is working to ensure the current GAO grievance and disciplinary processes get needed improvements to provide alternate paths for dispute resolution, transparency, and equal and fair conditions for both staff and management. For example, the current grievance process promotes a relationship between management and employees in which management renders final decision on cases. Consequently, GAO staff with grievances may be reluctant to use GAO's current grievance process for review and resolution. The Interim Council is studying options for procedures that ensure fairness in the resolution of employee grievances.

Conclusions

In closing, I would like to reiterate our appreciation for the opportunity to testify before your Subcommittee, and look forward to working with you. Thank you for the opportunity to comment on the GAO FY 2009 budget request and to share our views. I hope I have given you some idea of the priorities the GAO Employees Organization has with regard to the use of those funds. I would be pleased to answer any questions that you or other Members of the Subcommittee may have at this time.

Acknowledgments

I would like to acknowledge the contributions of the Interim Council of the GAO Employees Organization. Specifically, I want to thank the members of the Interim Council's Legislative Committee and others for their assistance in preparing for this hearing including Jennie Apter, Debbi Conner, Jacqueline Harpp, Ethan Iczkovitz, Robert Kershaw, Carolyn McGowan, Daniel Meyer, and Henry Sutanto.

GAO Employee Organization Interim Council

Acosta, Leo G	San Francisco, NRE	San Francisco	CA
Anderson, Nathan J	Seattle, NRE	Seattle	WA
Apter, Jennie F	Communication Analyst, HC	Washington	DC
Barry, Nancy S	Boston, FMCI	Boston	MA
Bensen, Sonja J	FMCI	Washington	DC
Berke, Steven J	SI	Washington	DC
Borre, Scott	Atlanta, IT	Atlanta	GA
Breen, Beverly A	ASM	Huntsville	AL
Butler, Myra W	Dayton, ASM	Dayton	OH
Conner, Debra M	Dallas, IT	Dallas	TX
Davis, Sandra P	Denver, NRE	Denver	CO
Fairbanks, Timothy J	Los Angeles, IAT	Los Angeles	CA
Gannon, Barbara A	DCM	Washington	DC
Garcia, Alfonso Q	Hispanic-American, DCM	Virginia Beach	VA
Harpp, Jacqueline	African-American, EWIS	Washington	DC
Hoffman, Gina R	Norfolk, DCM	Virginia Beach	VA
Huddleston, Andrew	Sexual Orientation/Gender Identity, PI	Washington	DC
Iczkovitz, Ethan J	PDP, HQ IT	Washington	DC
Johnson, John C	NRE	Washington	DC
Kaneshiro, Daniel S	Band I, HSJ	Washington	DC
Karls, Kristi L	FMA	Washington	DC
Kershaw, Robert G	IT	Washington	DC
La Due Lake, Ronald	ARM	Washington	DC
Langford, Christopher T.	PDP-HQ	Washington	DC
Levie, Lise L	EWIS	Washington	DC
Mandzia, Lesia	HC	Washington	DC
McGowan, Carolyn K	Staff Office Analysts, CR	Washington	DC
Meyer, Daniel S	Chicago, EWIS	Chicago	IL
Miller, John F (Jeff)	IAT	Washington	DC
Rasmussen, Heather L	PDP-HQ, FMA	Washington	DC
Rubins, Suzanne C	Disability, Seattle	Seattle	WA
Ryan, Mark A	PDP-HQ	Washington	DC
Sarne, Lorene S	ASM	Washington	DC
Stockbridge, Kenneth	Diversity Non-Designated EWIS	Washington	DC
Sutanto, Henry	Diversity Non-Designated IT	Washington	DC
Tumin, Jonathan R	HSJ	Washington	DC
Ulrich, Stephen C	PDP-Field Office, HC	Chicago	IL
Uyekawa, Eddie W	Asian-American/Pacific Islander, IAT	San Francisco	CA

Subcommittee on the Legislative Branch
Witness Disclosure Requirement – "Truth in Testimony"
Required by House Rule XI, Clause 2(g)

Your Name: **Ronald La Due Lake**		
1. Are you testifying on behalf of a Federal, State, or Local Governmental entity?	Yes	No **X**
2. Are you testifying on behalf of an entity other than a Government entity?	Yes **X**	No
3. If your answer to question number 2 is yes, please list any federal grants or contracts (including subgrants or subcontracts) which you have received since October 1, 1996: **None**		
4. Other than yourself, please list what entity or entities you are representing: **GAO Employees' Organization, IFPTE**		
5. If your answer to question number 2 is yes, please list any offices or elected positions held or briefly describe your representational capacity with the entities disclosed in question number 4: **Chair, Interim Council, GAO Employees' Organization** **Conduct Interim Council meetings, represent Interim Council to the public**		
6. If your answer to question number 2 is yes, do any of the entities disclosed in question number 4 have parent organizations, subsidiaries, or partnerships to the entities for whom you are not representing?	Yes **X**	No
7. If the answer to question number 2 is yes, please list any federal grants or contracts (including subgrants or subcontracts) which were received by the entities listed under question number 4 since October 1, 1996, including the source and amount of each grant or contract: **None**		

Signature: _____ Date: **April 30, 2008**

Please attach this sheet and your CV (resume) to your written testimony.

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Ronald La Due Lake, Ph.D.

Expertise:

engagement design and planning.
quantitative and qualitative research methods and analysis.
study reviews.
survey methods.
small group methods.

Professional Experience:

United States Government Accountability Office, Applied Research and Methods, Washington, DC

Senior Social Science Analyst, IIB — *January, 2006 – present*
Senior Social Science Analyst, II — *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.
- Communicate methodological concerns to a wide range of internal and external stakeholders, including senior GAO management, Congressional staff, and executive branch agency officials.
- Provide 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' and 'Statistical Modeling.
- Contribute to multiple working groups and projects, including serving as PDP Advisor to ARM staff, teaching and mentoring in the International Fellows Program, developing and revising methods courses, facilitating the ARM morale project, and coordinating ISTS support for the CDMA web pages.

Social Science Analyst, I — *May 13, 2002 – June 28, 2003*

- 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.

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Caliber Associates, Fairfax, VA, July 25, 2001 – May 1, 2002
(owned by ICF International as of 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

- 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.

Center for Research in Law and Justice, University of Illinois at Chicago, 1995-96
Project Manager, NIJ funded longitudinal study of community policing.

Selected GAO Products (Key Methodological Contributor)

- 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, GAO-08-423R
- DOD Personnel Clearances: Improved Annual Reporting Would Enable More Informed Congressional Oversight. GAO-08-350
- DOD Personnel Clearances: DOD Faces Multiple Challenges in its Efforts to Improve Clearance Processes for Industry Personnel. GAO-08-470T
- Bankruptcy and Child Support Enforcement: Improved Information Sharing Possible Without Routine Data Matching. GAO-08-100

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- 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-08-329T
- 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.

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- 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 Stategic 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.

Publications and Conference Papers

- La Due Lake, R. 2001. "Cost and Benefit Analyses of Substance Abuse Prevention Interventions." Center for Substance Abuse Prevention Data Coordinating Center.
- La Due Lake, R. 2000. The Political Consequences of Social Capital: Networks, Contexts, and Social Interaction. Dissertation, Indiana University, Department of Political Science.
- La Due Lake, R. and R. Huckfeldt. 1998. Social Capital, Social Networks, and Political Participation, *Political Psychology* 19(3): 567-584.
- La Due Lake, R. 1999. Community Development Strategies: Bonding and Bridging Networks as Social Capital, *Urban Affairs Review* 35(1): 147-9.
- La Due Lake, R. 2000. "Attitude Strength and Social Interaction," American Political Science Association, Washington D.C.

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- La Due Lake, R. 2000. "Social Capital as a Determinant of Attitude Strength: Response Timers, Networks, and Cognitive Consistency," Midwest Political Science Association, Chicago, IL.
- Huckfeldt, R. and R. La Due Lake. 2000. "Use of the Social Network Battery in the 1998 NES Pilot Study," Planning Committee, NES Board, Ann Arbor, MI.
- La Due Lake, R. "Social Capital in Context: Implications for Social Interaction on Civic and Political Participation in South Bend," American Political Science Association, Atlanta, GA, 1999.
- La Due Lake, R. and R. Smith. "Social Capital and Social Networks in Context: A Comparative Analysis Across Neighborhoods," MPSA, Chicago, IL, 1999.
- Huckfeldt, R. and R. La Due Lake. 1998. "Social Networks as Social Capital: Individual and Collective Incentives for Political Participation," Workshop on Urban Democracy, Russell Sage Foundation, New York City, 1998.
- La Due Lake, R. "Social Capital, Trust, Social Networks, and Political Participation," APSA, Boston, MA, 1998.
- Haider-Markel, D.P. and R. La Due Lake. "The Importance of Institutional Structures on Legislative Outcomes: Lessons from the American States," APSA, Boston, MA, 1998.
- La Due Lake, R., S. Procopio, and Y. Alex-Assensoh. "Social Capital, Personal Networks, Race, and Political Participation," MPSA, Chicago, IL, 1998.

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.

Recent Training:

Cognitive Interviewing, Gordon Willis.
Research Update on Questionnaire Writing, Jon Krosnick.
Visual Design of Questionnaires, Don Dillman.
National Defense University GAO 501, DCM.
Qualitative Evaluation Methods, Michael Quinn Patton.

GAO Awards:

Results Through Teamwork Awards: 2003 - 2008
Big Picture Award: 2006
Jackelope Award, Learning Center: 2007
Team Awards - DCM, ARM, EWIS, SI: 2002 – 2008

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

NEW ACTING COMPTROLLER GENERAL

Ms. WASSERMAN SCHULTZ. I have been really pleased to watch the evolution of the process that you have been through with your fellow employees and the recognition finally that the union received from GAO. The only question I have, which you alluded to briefly, is have you seen improvements in terms of your relationship with the Acting Comptroller General versus the former Comptroller General?

Mr. LA DUE LAKE. Yes. We have several experiences in his brief time as Acting Comptroller General that are very encouraging to us. One is that we invited him to meet with the interim counsel for a collegial meet and greet. He came. He spoke with us. He reiterated that he was looking forward to working with us, and he also reiterated what he has been saying to several mission teams in staff meetings around the organization, that, number one, management intends to take a serious look at our performance management system, which is a serious concern for us; and, number two, that he considers our current workload an issue that we need to address. So from our perspective as a bargaining unit, we are quite encouraged by this and look forward to working with him.

Ms. WASSERMAN SCHULTZ. Great. I look forward to continuing to work with you, And I appreciate the input that you gave us today.

Mr. Latham.

Thank you very much.

U.S. CAPITOL POLICE

WITNESS

MATTHEW A. TIGHE, FRATERNAL ORDER OF POLICE, U.S. CAPITOL POLICE

OPENING STATEMENT—MR. TIGHE

Ms. WASSERMAN SCHULTZ. Next, we'll hear from Officer Matthew Tighe, the Chairman of the U.S. Capitol Police Labor Committee.

Officer Tighe, your statement will be entered into the record and you can proceed with the 5-minute summary.

Mr. TIGHE. Thank you, ma'am.

Honorable Chair and members of the committee, I would like to thank you for the opportunity to testify before you today. I am here not only to speak to you as chairman of the Capitol Police Labor Committee but as a police officer as well. As chairman of the Fraternal Order of Police Labor Committee for the United States Capitol Police, I represent more than 1,000 sworn members of our Department.

The men and women of the United States Capitol Police take great pride in being given the responsibility of protecting Members of Congress, the congressional community and the millions who visit here. Those who are recruited and trained to carry out our vital mission are among the best educated and motivated people I have encountered anywhere in the law enforcement community. They bring intellect and on-the-ground experience to the myriad of tasks associated with securing and protecting everyone within the Capitol complex. I believe we are a well of underutilized insights

and ideas that can support future improvements in securing the Capitol.

The Capitol complex faces a constant threat that is not always easy to detect or identify. To deter and combat threats, the Department must be given the adequate and appropriate resources to fulfill our mission.

NEED FOR CONGRESSIONAL SUPPORT

In addition to the obvious need for training, equipment and adequate funding to carry out our mission for the Congress and the Nation, we need you to understand our mission and your cooperation in the performance of our mission. We recognize that often our duties may be viewed as an inconvenience, but they are essential for maintaining the security throughout the complex. An officer needs to stay focused on the possible threat without fear from reprisal for properly carrying out their duties. Due to this ever-changing threat, officers cannot passively monitor activity but must be able to take a proactive approach to investigate suspicious activity.

The effectiveness of the individual officer at each of the posts, each of the patrol vehicles and their various support positions around the Department is most affected by their personal motivation. It is dangerous for everyone who relies upon us if we are reluctant to do what is difficult but required. The human factor in our profession is unusually critical because a blind eye or turned head can allow the person intent on harm to bring arms, toxins or other dangerous commodities to the halls and offices of the Capitol complex.

Your police officers must feel that they will be supported by their supervisors, their Chief, the Police Board and their Members when they make good-faith efforts to do their job. If they come to a common sense that good efforts are punished by the powers that be because they feel inconvenienced, then more damage is done to our security than you may understand. I urge this committee and the Congress to regularly publish its support for its police officers who diligently perform their duties as individuals and as an agency. Where inconvenience meets security, we must encourage the responsible officers and officials to support security and to recognize those who work to secure those we protect.

I have devoted a lot of my time to our mission to protect you. Now I wish to raise a serious issue that is a more traditional union concern. I would like to highlight our retirement.

RECRUITMENT CHALLENGE

The law enforcement profession is more competitive now than ever. It is critical to the Capitol Police to not only recruit the most qualified personnel possible but also to retain them for the length of their career. One of the greatest deciding factors an applicant considers when making a decision for employment in law enforcement is the compensation package offered by each agency.

Our goal is to enhance the retirement benefits to be more competitive with other agencies, thus more appealing to potential applicants. In doing so, we will not only be able to attract the best applicants but to retain the officers that are currently in the field.

The cost associated with training a new officer just to have them leave for another agency is wasting the resources provided by Congress and the taxpayer.

In too many instances, the U.S. Capitol Police Department is a recruiting arm for competing local and Federal law enforcement agencies. Many young men and women who become U.S. Capitol Police officers begin to look elsewhere after completing a few years in our Department. This very issue faced the D.C. Metropolitan Police Department in the early 1970s when Congress approved an extension of its authorized strength. Even with the unprecedented step of authorizing early outs for military personnel who join the Metropolitan Police Department, the MPD was unable to reach the new authorized strength because too many new recruits left for law enforcement careers elsewhere after securing a few years of experience. It is a matter of record that the only thing that stabilized MPD's workforce was the adaptation of a 20-year retirement system by the Congress.

Subsequent to Home Rule for the District, the city abandoned 20-year retirement. Now they are in the process of passing legislation that will restore 20-year retirement as they work to increase the size of their police department and stabilize their force again.

We recognize the challenge that this presents and are aware of the PAYGO issue but hope to work with all of the relevant committees to find an offset and accomplish this goal in the future.

That concludes my statement. I'd be happy to answer any questions.

Ms. WASSERMAN SCHULTZ. Thank you so much, Officer Tighe.

[Officer Tighe's prepared statement, bio, and disclosure form follow:]

Testimony of
US Capitol Police Officer Matthew A. Tighe
Chairman of the United States Capitol Police Labor Committee
Before the Legislative Branch Subcommittee
House Committee on Appropriations

Honorable Chairman and members of the Committee, I would like to thank you for the opportunity to testify before you today. I'm here not only to speak to you as the Chairman of the Capitol Police Labor Committee but as a police officer as well. As Chairman of the Fraternal Order of Police Labor Committee for the United States Capitol Police, I represent more than one thousand sworn members of our Department. We meet regularly to discuss our experiences on the job. While much of what we discuss relates to traditional workplace issues that face union memberships in the variety of work settings represented by organized labor, we also hear consistent constructive criticism regarding how well we protect those we are sworn to serve. I am proud of my fellow officers' interest in supporting the goals our oath of office sets out for us. They are professionals who want to contribute more.

The men and women of the United States Capitol Police take great pride in being given the responsibility to protect members of Congress; the Congressional community; and the millions who visit here. Those who are recruited and trained to carry out our vital mission are among the best educated and motivated people I have encountered anywhere in the law enforcement community. They bring intellect and on the ground experience to the myriad tasks associated with securing and protecting everyone within the Capitol complex. I believe we are a well of underutilized insights and ideas that could support further improvements in securing the Capitol.

The Capitol complex faces a constant threat that is not always easy to detect or identify. To deter and combat threats the Department must be given the adequate and appropriate resources to fulfill our mission. We believe a longer view of the technology and equipment that can significantly enhance our mission must be taken. Further, that the integration and scalability of the existing and future systems must be given more weight in order to maximize the effectiveness of tax dollars spent while projecting future needs in a manner that will make improvements more affordable and compatible.

In addition to the obvious need for training, equipment and adequate funding to carry out our mission for the Congress and the nation we need you to understand our mission and your cooperation in the performance of our mission. We recognize that often our duties may be viewed as an inconvenience, but they are essential for maintaining the security throughout the complex. An officer needs to stay focused on the possible threat without fear from reprisal for properly carrying out their duties. Due to this ever-changing threat officers cannot passively monitor activity but must be able to take a proactive approach to investigate suspicious activity.

The effectiveness of the individual officers at each of the posts, each of the patrol vehicles and the various support positions around the Department is most affected by their personal motivation. It is dangerous for everyone who relies upon us if we are reluctant to do what is difficult but required. The human factor in our profession is unusually critical because a blind eye or turned head can allow the person intent on harm to bring arms, toxins or other dangerous commodities to the halls and offices of the Capitol campus.

Your police officers must feel that they will be supported by their supervisors, their Chief, the Police Board and the Members when they make good faith efforts to do their job. If they come to a common sense that good efforts are punished by the powers that be, because they feel inconvenienced then more damage is done to our security that you may understand. I urge this Committee and the Congress to regularly publish its support for its police officers who diligently perform their duties as

individuals and as an agency. Where inconvenience meets security we must encourage the responsible officers and officials to support security and to recognize those who work to secure those we protect.

I have devoted a lot of my time to our mission to protect you. Now I wish to raise a serious issue that is a more traditional union concern. I would like to highlight is our retirement.

The law enforcement profession is more competitive now than ever. It is critical to the Capitol Police to not only recruit the most qualified personnel possible but also to retain them for the length of their career. One of the greatest deciding factors that an applicant considers when making a decision for employment in law enforcement is the compensation package offered by each agency.

Our goal is to enhance our retirement benefits to be more competitive with other agencies, thus more appealing to potential applicants. In doing so we will not only be able to attract the best applicants but retain the officers that are currently in the field. The cost associated with training a new officer just to have them leave for another agency is wasting the resources provided by Congress and the taxpayer.

In too many instances, the U.S. Capitol Police Department is the recruiting arm for competing local and federal law enforcement agencies. Many young men and women who become U.S. Capitol Police Officers begin to look elsewhere after completing a few years on our Department. This very issue faced the D.C. Metropolitan Police Department in the early 1970's when the Congress approved an expansion of its authorized strength. Even with the unprecedented step of authorizing early outs for military personnel who joined the Metropolitan Police Department (during the Viet Nam war), the MPD was unable to reach the new authorized strength because too many new recruits left for law enforcement careers elsewhere after securing a few years of experience. It is a matter of record that the only thing that stabilized the MPD's workforce was the adoption of a 20 year retirement system by the Congress.

Subsequent to Home Rule for the District, the City abandoned the 20 year retirement. They are now in the process of passing legislation that will restore 20 year retirement as they work to increase the size of their police department and stabilize their police force again.

We recognize the challenge that this presents and are aware of the PAYGO issue but hope to work with all the relevant committees to find an offset and accomplish this goal in the future.

That concludes my statement. I'd be happy to answer any questions.

Matthew A. Tighe
Biography

Education:

Matthew A. Tighe is a graduate of Bishop Timon High School in Buffalo, New York. Attended Alfred College and D'youeille College in 1991-1993.

Work Experience:

Matt began his career in law enforcement as a correctional officer for New York State Department of Correctional Services from 1994 – 1999. He joined the United States Capitol Police in August of 1999. Since joining the police department he has worked for the House Division Officer and is currently assigned to the Patrol Mobile Response Division, where he's been for approximately five years.

Officer Tighe started with the Fraternal Order of Police U.S. Capitol Police Labor Committee in 20001. He has been actively involved in and has held many positions on the Labor Committee Executive Board until being elected Chairman in 2007.

Chairman Tighe strives to enhance Labor Management relations.

Subcommittee on the Legislative Branch
Witness Disclosure Requirement – "Truth in Testimony"
Required by House Rule XI, Clause 2(g)

Your Name: Matthew Tighe		
1. Are you testifying on behalf of a Federal, State, or Local Governmental entity?	Yes	No x
2. Are you testifying on behalf of an entity other than a Government entity?	Yes x	No
3. If your answer to question number 2 is yes, please list any federal grants or contracts (including subgrants or subcontracts) which you have received since October 1, 1996: none		
4. Other than yourself, please list what entity or entities you are representing: United States Capitol Police Labor Commimmittee		
5. If your answer to question number 2 is yes, please list any offices or elected positions held or briefly describe your representational capacity with the entities disclosed in question number 4: Chairman United States Capitol Police Labor Committee		
6. If your answer to question number 2 is yes, do any of the entities disclosed in question number 4 have parent organizations, subsidiaries, or partnerships to the entities for whom you are not representing?	Yes x	No
7. If the answer to question number 2 is yes, please list any federal grants or contracts (including subgrants or subcontracts) which were received by the entities listed under question number 4 since October 1, 1996, including the source and amount of each grant or contract: none		

Signature: _____ Date: May 1, 2008

Please attach this sheet and your CV (resume) to your written testimony.

FEAR OF REPRISALS

Ms. WASSERMAN SCHULTZ. You referenced a restraint that you indicate some officers feel about the actions that they are able to take to do their job. Can you elaborate on that a little bit?

Mr. TIGHE. Well, ma'am, unfortunately, many times officers are worried about upsetting key staffers or even members of certain committees. They feel if they do their job correctly and they inconvenience people, delay them coming in through the doors, that they will face reprisal.

Ms. WASSERMAN SCHULTZ. Can you be more specific? Do you mean like if they require a staffer——

Mr. TIGHE. Oftentimes there are complaints that are generated against officers for simply carrying out their duties. And, to be honest, when the complaints come from certain members or staffers, the officers feel that they are going to get in trouble.

Ms. WASSERMAN SCHULTZ. I don't mean to press you. But do you mean, for example, if an officer expects someone, a staff person, to go through the magnetometer, as opposed to going around the magnetometer if they are not with their boss?

Mr. TIGHE. Exactly. Sometimes they will be doing their job, they won't recognize somebody, they will ask them to take off their shoes. People will get upset on the street. They will be stopped for traffic infractions, and they will be upset that they were stopped. Oftentimes, you are asked, "Do you know who I am"; and the officers simply state, "No, I am just carrying out my duty".

Ms. WASSERMAN SCHULTZ. Okay. Well, I appreciate you bringing that to our attention; and that is something we would be glad to follow up on.

RETIREMENT PLANS

On the retirement issue, Capitol Police officers are part of the Federal retirement system. And, for example, you know, D.C. police are not and other police agencies are not. Are you suggesting that the Federal retirement benefit package is not as lucrative as other police agencies that are not part of that system?

Mr. TIGHE. What I am saying is we lose a lot of our officers to local departments, but we also lose them to Federal agencies. The difference with our retirement compared to other Federal agencies is the law enforcement availability pay which is factored into many 1811 positions when they get to retirement. So, basically, they get a 25 percent higher retirement benefit than a Capitol Police officer.

Ms. WASSERMAN SCHULTZ. I am sorry for my ignorance, but I don't know what law enforcement availability pay is.

Mr. TIGHE. They are given 25 percent more in their base pay. It is basically in lieu of overtime. They are given what is called LEAP pay, And that is factored into the base salary. When they retire, that is included in their——

Ms. WASSERMAN SCHULTZ. And the overtime is not factored into——

Mr. TIGHE. A Capitol Police officer's overtime is not included into the retirement benefit.

Ms. WASSERMAN SCHULTZ. Okay. And quite a bit of the hours that you work is overtime?

Mr. TIGHE. Correct. So an officer would be used to that salary.

Ms. WASSERMAN SCHULTZ. And that is a competitive disadvantage. I understand. Okay. Thank you.

Mr. Latham.

Thank you very much, Officer Tighe. Let me just say that I don't think we are able to express enough to the Capitol Police force how much we appreciate your protection and your representation and your service to us as Members, to the Capitol community and to the visitors and citizens that come to tour the Capitol complex. And we truly, truly appreciate your work.

Mr. TIGHE. Thanks for recognizing, ma'am; and, also, we would like to thank you for your continued support of the union and the Department.

Ms. WASSERMAN SCHULTZ. You are very welcome.

Mr. LATHAM. If I could, I will associate myself with your remarks. But, also, if there is someone who feels intimidated or something, I would like to know it, who it is and what is going on on specific cases, because that simply is totally out of bounds.

Ms. WASSERMAN SCHULTZ. And we'll follow up with the police leadership on that as well.

Mr. TIGHE. Thank you, ma'am.

Ms. WASSERMAN SCHULTZ. Thank you very much, Officer.

AMERICAN ASSOCIATION OF LAW LIBRARIES

WITNESS

MARY ALICE BAISH, ACTING WASHINGTON AFFAIRS REPRESENTATIVE, AMERICAN ASSOCIATION OF LAW LIBRARIES

OPENING STATEMENT—MS. BAISH

Ms. WASSERMAN SCHULTZ. Okay. Next we'll hear from Mary Alice Baish, the Acting Washington Affairs Representative of the American Association of Law Libraries.

Ms. Baish, your full statement will be entered into the record; and you can proceed with a 5-minute summary. Thank you, and it is good to see you.

Ms. BAISH. Good afternoon. Thank you for this opportunity to appear before you today on behalf of the American Association of Law Libraries, the American Library Association and the Special Libraries Association.

SUPPORT FOR FULL GPO FUNDING

Madam Chair Wasserman Schultz and Ranking Member Latham, we really appreciate you giving us this opportunity to urge your support for the full Fiscal Year 2009 appropriations request of the U.S. Government Printing Office. Our communities are committed to public access, to government information and a robust Federal depository library program. Your constituents benefit daily from the collections and services of the 30 depository libraries in your districts and States, as well as the government information available on line at all libraries.

I would like to point out the depository libraries spend millions of dollars every year for staff space and the technological infra-

structure needed to put your constituents in touch with the government information they need that comes in all formats, depending upon the agency's decision to produce it. Past studies have shown that depository libraries in fact spend about $10 for every $1 of Federal investment. So the monies that you appropriate to support public access in the FDLP are multiplied many times over by the costs contributed by depository libraries.

My long statement describes in detail why we are asking you to fund fully GPO's congressional printing and binding, salaries and expenses and revolving fund. Monies in all three accounts contribute to promoting public access to print and electronic documents and to meeting the needs of depository libraries.

FEDERAL DIGITAL SYSTEM

I would like to use my brief time this morning really to urge you to agree to GPO's request of $21.2 million for the Federal Digital System. We believe that FDsys is absolutely essential to GPO's future. It is a myth to think that utilizing the Web to provide public access to reliable government information doesn't carry a hefty price tag. There are enormous costs in managing the life-cycle of on-line information, including its permanent public access and preservation.

The funding of FDsys to date has come from monies reprogrammed in 2005. We ask that you show your support for FDsys with a commitment to its launch next fall and to its future enhancements.

The GPO access system authorized by legislation back in 1993 is the central mechanism for making Federal government information available to the public. GPO has done a remarkable job on a shoestring and now estimates that about 94 percent of new titles in the Federal depository library program are electronic. With this increasing emphasis on on-line access, it is time to replace the obsolete technology of the GPO access system with the state-of-the-art FDsys; and here is why.

GPO access uses WAIS, a pre-Web technology that makes it challenging for the average user to search and locate the information they need. In addition, there are times when a technology fails, as it recently did when access to 3 years of the on-line Congressional Record, 1994 to 1996, became unavailable to users. Fortunately, in this case, the Congressional Record is one of GPO's essential titles and so is still available for anyone in print who can go to a local depository library.

During the past year, we have been very pleased with progress that GPO has made in a number of areas because of the new functionalities offered through FDsys. I would like to briefly mention two of them that are especially noteworthy.

First, digital authentication. GPO has begun implementing digital signatures to certain electronic documents on GPO access. This establishes GPO as the trusted information disseminator for the Federal Government by providing the assurance that an electronic document has not been altered since GPO disseminated it. This year, GPO launched an on-line collection of authenticated public and private laws of the 110th Congress. The ability to authenticate on-line legal resources is especially important. And in February,

GPO digitally signed the 2009 on-line version of the budget of the United States Government and also published it in print after OMB had announced that it would only publish the 2,200 page budget on line.

Ms. WASSERMAN SCHULTZ. You have 30 seconds, Ms. Baish.

Ms. BAISH. Thank you.

OMB's shortsighted decision resulted in a flurry of news stories about how valuable these four print volumes are in terms of usability.

Second, Web harvesting. GPO has made great progress in harvesting agency Web documents. In 2006, they completed a very important pilot with the Environmental Protection Agency in which they harvested over 200,000 unavailable EPA on-line documents. So the Web harvest is really needed so that GPO can increase public access to these Web-based agency documents and also ensure their preservation.

I hope you'll agree with us that full funding for GPO in 2009 is vital to supporting the needs of depository libraries and your constituents who use them every day. Last year, I asked you to become champions of GPO and the FDLP. This year, I ask that you please champion FDsys and, at the same time, support GPO's other funding needs that are really crucial to their information dissemination program.

Ms. WASSERMAN SCHULTZ. Thank you, Ms. Baish.

Ms. BAISH. The FDLP is your program, and we really appreciate your continuing support.

Ms. WASSERMAN SCHULTZ. Thank you very much. We appreciate your testimony.

Mr. Latham.

Thank you very much.

[Ms. Baish's prepared testimony, disclosure form, and CV follow:]

American Association of Law Libraries

MAXIMIZING THE POWER OF THE LAW LIBRARY COMMUNITY SINCE 1906

Statement of

Mary Alice Baish
Acting Washington Affairs Representative
American Association of Law Libraries

On Behalf of the

American Association of Law Libraries
American Library Association
Special Libraries Association

Before the House Appropriations Committee
Legislative Branch Subcommittee
Public Witness Hearing

May 7, 2008

American Association of Law Libraries
Washington Affairs Office
Georgetown University Law Center
111 G St. NW, Washington DC 20001-1417
(202) 662-9200

Good morning. I am Mary Alice Baish, Acting Washington Affairs Representative for the American Association of Law Libraries (AALL). I am very pleased to appear before you today on behalf of AALL, the American Library Association (ALA) and the Special Libraries Association (SLA). The descriptions of our individual organizations are attached at the end of my statement.

Together we represent over 90,000 librarians, information specialists, library trustees and friends of libraries, as well as the more than 1200 libraries in every state and congressional district that participate in the Federal Depository Library Program (FDLP). I am pleased to note that your constituents benefit daily from the collections and services of the ten selective depository libraries in your districts and the regional depository libraries that serve your states, as well as the government information available online at all libraries. Each of you, therefore, has a personal stake in making sure that the FDLP is adequately funded so that your constituents have easy, no-fee access to a wealth of government information, both in print and electronic formats.

Madam Chair Wasserman Schultz and Ranking Member Latham, we thank you for holding this important hearing. I am here today to speak in support of the FY 2009 budget request of the U.S. Government Printing Office. Our communities have a very strong interest in Federal information policy and a fervent commitment to public access to government information and a robust FDLP for the 21st Century. The mission of the Government Printing Office (GPO) is uniquely important. GPO provides the three branches of the Federal government with expert publishing and printing services and electronic access to government information through GPO Access. In addition, GPO ensures perpetual, no-fee, ready public access to the printed and electronic information published by the Federal government, in partnership with federal depository libraries.

The public's ability to access e-government information, either at their local depository library, neighborhood library or directly from their desktop, has grown exponentially

since the enactment of the *GPO Access Enhancement Act* in 1993 and the move towards greater e-government by agencies, Congress and the courts. While e-government brings us many opportunities for enhanced public access, many difficult challenges remain unresolved as government moves away from producing its information in print and relies increasingly on "born digital" government information. We believe that GPO has a critical leadership role in helping the Federal government meet these unique challenges.

Our organizations strongly support Public Printer Robert C. Tapella's statement of March 6, 2008 and we urge the Subcommittee to fund GPO's full FY 2009 budget request of $174.35 million. This includes $97.92 million for Congressional Printing and Binding (CP&B); $43.42 million for the Salaries and Expenses (S&E) account; and $33 million for the revolving fund. We believe that full funding is crucial because the FY 2008 omnibus appropriations bill resulted in lower levels of funding for GPO's many important programs, particularly for the IT infrastructure needed for the development of the Federal Digital System. We further believe that full funding should be provided for Congressional Printing and Binding to eliminate the shortfall in funding for this important program, which is the source of congressional publications that are highly valued by users of depository library collections. I would now like to describe in more detail why each of these funding requests is so important for the library community and the American public.

First, the Federal Digital System.

Our organizations and all library communities have championed GPO's development of the Federal Digital System (FDsys). This content-centric system will ensure that electronic information from all three branches of the Federal government will be permanently available in electronic format, authenticated and versioned, and accessible through the Internet for easy searching, viewing, downloading and printing. We believe that its implementation is key to GPO's ability to provide services to Congress, agencies, depository libraries and the public in the 21st century. New state-of-the-art systems do not come cheap, and GPO must be given adequate funds to provide the IT infrastructure needed to launch FDsys by the end of the year. A total of $21.2 million has been requested

for FY 2009 to fund the establishment and operations of FDsys. Of that amount, $15.5 million has been requested for the revolving fund to support the first release and system enhancements. An additional $5.7 million has been requested for the S&E to digitize parts of the legacy collection and acquire expanded Web harvesting services.

Our organizations have been monitoring the development of FDsys and we commend GPO for consulting frequently with the depository library community on its design and implementation. As outlined in the GPO Strategic Vision in 2004, the agency expected to invest $29 million to develop FDsys. They have spent $18 million to date from funds reprogrammed in 2005 from prior year unspent CP&B and S&E appropriations. GPO is currently funding FDsys from their revolving fund. In order to maintain progress and meet their target date for an initial release later this year, their funding request of $21.2 million is critically important.

We believe that GPO has made good progress on specifying and developing FDsys. In September 2007, GPO released a Proof-of-Concept of FDsys and began giving demonstrations to stakeholders. These stakeholders, including the Office of the Clerk of the House, the Office of the Secretary of the Senate, the depository library community and federal agencies have had the opportunity to participate in beta testing of the proof-of-concept. Responses to the proof-of-concept have been overwhelmingly positive—over 90% of the beta test users stated that FDsys works as expected, validating that GPO is on the right track.

GPO remains focused on the first public release of FDsys targeted for later this year. This includes replacing GPO Access functionality and transferring current GPO Access content into FDsys. Work on FDsys has also helped guide GPO's efforts to meet disaster recovery needs. Digital publications in GPO Access needed to be converted into the new structure to work with modern search tools associated with GPO's agency disaster recovery plans. Accordingly, GPO migrated these digital publications in GPO Access into a consistent, flexible, tagged dataset that support their disaster recovery plan and will

be utilized in FDsys. Our communities have long urged GPO to implement a disaster recovery capability and we are pleased with their progress in this arena.

On another important front, GPO is continuing its advancements in automated web harvesting in anticipation of the second release of FDsys. The goal of web harvesting is to discover and capture newly identified online publications that are within the scope of GPO's information dissemination programs, increasing public access to online government information and ensuring its preservation. GPO is using the lessons learned from the 2006 pilot project with the Environmental Protection Agency to continue the development of automated publication harvesting tools and methodologies in preparation for full implementation with FDsys. We applaud these developments and ask that you please fully fund FDsys in FY 2009 to ensure its initial release and future enhanced functionalities.

Second, Salaries and Expenses.

The S&E appropriation is essential to supporting the FDLP, the very successful partnership program through which congressional and other important government publications and information products are disseminated to approximately 1,250 participating academic, public, law, Federal and other libraries nationwide. The S&E funds the cataloging, indexing, and distribution of Federal publications in print and electronic formats to depository libraries and other recipients designated by law. GPO's FY 2009 S&E request of $43.42 represents a much-needed increase of $8.5 million over the current level to cover mandatory pay and price increases; overhead distribution; and several important information technology projects that are designed to expand and improve public access to government information.

We fully support GPO's important effort to replace the obsolete technology of GPO Access with the state-of-the-art Federal Digital System. GPO Access uses WAIS, an antiquated pre-web technology that makes it difficult for the average user to search and locate the information they need. The navigation features of GPO Access are clunky and the search functions are poor, as you might expect from a 15-year old technology. Often

only simple tasks can be performed satisfactorily. So while GPO Access provides access to wonderful content, the ability to find exactly what one needs is a daunting challenge to most users. In addition, even frequent users are often plagued with technical problems, including linking and internal server errors, slow retrieval and difficulties with full text searching. GPO Access must be updated for the 21st century and the content migrated into FDsys. The search capabilities of FDsys will be a vast improvement over the current system and will provide users with advanced search capabilities. Although its first public launch is not scheduled until the end of the year, we have begun to see some progress because of new functionalities that FDsys already provides.

For example, through FDsys, GPO has begun implementing digital signatures to certain electronic documents on GPO Access that not only establish GPO as the trusted information disseminator, but also provide the assurance that an electronic document has not been altered since GPO disseminated it. A digital signature, viewed through the GPO Seal of Authenticity, verifies document integrity and authenticity on GPO online Federal documents, at no cost to the end user. Recently, GPO digitally signed the *2009 Budget of the United States Government*. This is the first time this has been done, and GPO staff used the newly implemented Automated PDF Signing (APS) system to complete the signing.

The APS system has been integrated into the beta Public and Private Laws for the 110th Congress application. GPO staff has successfully worked with the Office of the Federal Register to move the Public and Private laws beta application to a live application. This live database has now replaced the previous database, which provided the same files, but unsigned. GPO plans to continue work with Congress and others to digitally sign additional content on GPO Access. We applaud these efforts and believe that GPO will be able to provide agencies with digital authentication services for their online information, just as GPO served as a publisher for agencies in the print world. The digital signatures establish GPO as *the* trusted information disseminator for the Federal government by providing a level of assurance that an electronic document has not been altered since GPO disseminated it.

We would also like to commend GPO for the following additional new initiatives that have resulted in improved access to government information. These demonstrate the variety of services that GPO is able to provide, thanks to your support for their S&E appropriations.

The PACER Beta-test.

In September 2007, the Judicial Conference approved a pilot project to provide Federal depository libraries access to PACER (Public Access to Court Electronic Records), an online service of the Administrative Office of the U. S. Courts. The PACER system provides remote access to case and docket information from the Federal Courts via the Internet. Records include information from the Appellate, District and Bankruptcy Courts. Users of PACER are able to access information about a case including the names of all the parties, judges and attorneys involved in the case, case history and status, as well as many of the documents submitted by the parties to the court.

The PACER pilot project provides the public with no-fee access to important court information through sixteen participating depository libraries. The goal of the pilot project is to determine if Federal depository library access to PACER expands usage to those who currently do not have it available to them or would be inhibited by going to a court house to use the service. Participating libraries are obligated to promote the PACER service to the public, and to report back to GPO. Their efforts have been very successful. The first bimonthly report, which covers December 2007 through January 2008, reveals that there were 150 PACER users, 67 of whom had not previously used the service. I am especially pleased to note that this successful project, which we hope will eventually be broadened to include all depository libraries, came as a result of the 2006 AALL Executive Board "Resolution on No-Fee FDLP Access to PACER" that was transmitted to former Public Printer Bruce James. We applaud GPO and the Administrative Office of the U.S. Courts for this important new collaboration.

New GPO/Depository Library Partnerships

During the past year, GPO joined with the University of Illinois at Chicago and other participating Federal depository libraries to promote "Government Information Online:

Ask a Librarian" (GIO). GIO is a free, Web-based virtual reference service provided by almost 20 Federal depository libraries throughout the country that focuses on responding to government information-related questions. GPO is participating in this project by promoting GIO to other Federal agencies and by submitting to GIO questions received through askGPO that do not relate to GPO programs, services or products. GIO is an example of a successful collaboration, and represents how depository libraries and their highly skilled and knowledgeable librarians are focusing on new services to provide improved access to government information. GPO and depository libraries will continue to collaborate in new ways to provide "point of need" access to Federal government information.

Training is an important component of the partnership between GPO and depository libraries, and we are very pleased that GPO has initiated online training via Online Programming for All Libraries (OPAL), an interactive Web-based meeting and conferencing service. These educational events are held in the GPO OPAL room and allow participants to interact via voice-over-IP, text chatting and synchronized browsing. In addition, training events are archived to allow those unable to attend a live event to replay the event at their convenience. Past presentations, which remain archived, were given by GPO staff on the following topics: the Catalog of Government Publications, Browse Topics and digital authentication. Recently, GPO opened up its OPAL room to members of the depository library community who would like to present additional educational and training sessions for the benefit of the entire community.

Also last year, GPO formed a partnership with the Naval Postgraduate School that will allow depository libraries to gain access to the Homeland Security Digital Library (HSDL). HSDL is a database containing U.S. policy documents, Presidential directives and national strategy documents, as well as other specialized resources related to the study of homeland security. The University of North Texas (UNT) has also partnered with GPO to provide access to the Web sites of defunct Federal agencies and commissions. UNT captures the agency's or commission's Web site as they close their

operations and then provides public access to the sites from their CyberCemetery of Defunct Federal Agencies and Commissions.

Third, Congressional Printing and Binding.

We urge you as well to support GPO's request of $97.92 million for Congressional Printing and Binding. Access to legislative information—the daily and bound *Congressional Record*, bills, committee hearings (full published transcripts as opposed to hearing statements posted to committee Web sites), reports, prints, documents and other materials—is crucial to the public's ability to monitor and participate in the legislative process. Full funding is especially important so that GPO can make up the shortfall from FY 2007 and the predicted shortfall for FY 2008. Congressional materials are heavily used at depository libraries, both for current and historical research. They must be published and distributed to members of Congress and depository libraries in a timely fashion. And while we value the ability to access these materials electronically through GPO Access, GPO has acknowledged the continued need for the print distribution of congressional and other legal materials to depository libraries because print is both official and authentic, and the electronic versions of these legal resources are not.

Fourth, the Revolving Fund.

We support GPO's revolving fund request of $33 million, almost half of which is needed for the completion of FDsys and other essential information technology infrastructure projects that are critical to the agency's effective and efficient operations. The revolving fund request also includes $17.5 million for much-needed building maintenance and repairs.

Fifth, the Federal Depository Library Program in the 21st Century.

Our Nation was founded on the core principle that citizens have a right and need to access information by and about their government in order to participate in our democracy and hold government accountable. The origins of the FDLP and its partnership with Congress date back to the Act of 1813, when Congress authorized legislation to provide one copy of

the House and Senate Journals and other Congressional documents to certain universities, historical societies and state libraries. The FDLP has proven to be a tremendously successful partnership among Congress, Federal agencies, the courts, the GPO, depository libraries and the American public in ensuring the public's right to know. The FDLP flourished during the 20th Century and today's tangible collections of government documents at depository libraries are a treasure trove that documents the history of our government.

The FDLP and depository libraries continue to be crucial access and service points for the American public in the 21st Century. The program provides your constituents with equitable, ready, efficient and no-fee access to Federal government information in an increasingly electronic environment. In addition to Congress, the White House, approximately 130 Federal departments and agencies and the Federal courts rely increasingly on GPO's state-of-the-art technologies to create and disseminate government information through the Internet. FDsys will make GPO's partnership with these other government entities stronger and more important than ever before.

Each participating Federal depository library makes significant investments to ensure that the public has effective access to government information. For example, FDLP libraries invest in technologies to assist in accessing electronic government information. These investments exemplify the substantial costs that participating depository libraries incur in order to provide your constituents with equitable, ready, efficient and no-fee access to government information in both print and electronic formats. These costs include providing highly trained staff, adequate space, necessary additional materials, and expensive equipment and Internet connections. The success of GPO Access cannot be measured without acknowledging the substantial costs incurred by depository libraries.

Federal depository libraries serve as important channels of public access to government publications and contribute significantly to the success of the FDLP. The Government's

responsibility to make government publications in both tangible and electronic formats available to depository libraries is successful because of the necessary partnerships developed between the Federal government, the GPO and the participating libraries. Electronic documents are especially important, as they are available to a larger portion of the population through all libraries and the Internet. In order for GPO to continue to increase the amount of government information available for current and future public access through the Internet and in order for the Federal government to fulfill its responsibilities for this partnership, it is critically important that Congress provide adequate funds to support the transition to a more electronic program.

Conclusion.

AALL, ALA and SLA respectfully urge the Subcommittee to support GPO by approving the Public Printer's FY 2009 appropriations request in its entirety. Full funding is vital so that GPO is able to fulfill its mission of disseminating Federal government information of all three branches of Government to the American public. We ask that you please include this statement as part of the Subcommittee's record for today's "Legislative Branch Subcommittee Public Witness Hearing." I'll be more than happy to answer any questions you might have. Thank you very much.

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

The American Association of Law Libraries (AALL) is a nonprofit educational organization with over 5,000 members nationwide who respond to the information needs of legislators, judges, and other public officials, corporations and small businesses, law professors and students, attorneys and members of the general public. AALL's mission is to promote and enhance the value of law libraries to the legal and public communities, to foster the profession of law librarianship, and to provide leadership in the field of legal information and information policy.
http://www.aall.org/

The American Library Association (ALA), the oldest and largest library association in the world, is a nonprofit educational organization of over 65,000 librarians, primarily school, public, academic, and some special librarians, as well as trustees, publishers and friends of libraries. The Association provides leadership for the development, promotion, and improvement of library and information services and the profession of librarianship to enhance learning, and ensure access to information for all.
http://www.ala.org/

The Special Libraries Association (SLA) is a nonprofit global organization for innovative information professionals and their strategic partners. SLA serves more than 11,000 members in 75 countries in the information profession, including corporate, academic and government information specialists. SLA promotes and strengthens its members through learning, advocacy and networking initiatives.
http://www.sla.org/

Subcommittee on the Legislative Branch
Witness Disclosure Requirement – "Truth in Testimony"
Required by House Rule XI, Clause 2(g)

Your Name: Mary Alice Baish		
1. Are you testifying on behalf of a Federal, State, or Local Governmental entity?	Yes	**No** ✓
2. Are you testifying on behalf of an entity other than a Government entity?	**Yes** ✓	No
3. If your answer to question number 2 is yes, please list any federal grants or contracts (including subgrants or subcontracts) which you have received since October 1, 1996: N/A		
4. Other than yourself, please list what entity or entities you are representing: American Library Association (ALA), Special Libraries Association (SLA)		
5. If your answer to question number 2 is yes, please list any offices or elected positions held or briefly describe your representational capacity with the entities disclosed in question number 4: ALA and SLA have endorsed my statement and asked that I represent them at the hearing.		
6. If your answer to question number 2 is yes, do any of the entities disclosed in question number 4 have parent organizations, subsidiaries, or partnerships to the entities for whom you are not representing?	Yes	**No** ✓
7. If the answer to question number 2 is yes, please list any federal grants or contracts (including subgrants or subcontracts) which were received by the entities listed under question number 4 since October 1, 1996, including the source and amount of each grant or contract: Please see attached list of grants received by the American Library Association.		

Signature: Mary Alice Baish Date: April 30, 2008

Please attach this sheet and your CV (resume) to your written testimony.

Pursuant to clause 2(g)(4) of the Rule XI of the Rules of the House of Representatives, the Committee on Appropriations requires (to the greatest extent practicable) each ***nongovernmental*** *witness who plans to give oral testimony to submit a written statement including a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness.*

AMERICAN LIBRARY ASSOCIATION
FEDERAL GOVERNMENT GRANTS & CONTRACTS
From September 1, 2005 to February 28, 2007

Federal Agency	Project Name	Amount
US Dept of Education	NCES/ALS 05-06	$5,050.08
US Dept of Justice	Kids Count	$11,932.63
Library of Congress	Standard Revision Process	$38,164.24
National Library of Medicine	Frankenstein	$2,826.40
	Changing the Face of Medicine	$35,819.15
	GHI@Your Library	$20,072.55
Institute of Museum and Library Services	Spectrum/New Voices, New Vision	$280,544.68
	Librarian for the 21st Century	$81,285.63
	Library Networks Coop	$50,843.18
National Endowment for the Humanities	Elizabeth Traveling Exhibition	$18,460.48
	Frankenstein Exhibit	$19,610.01
	Storyline 4: New England	$13,204.80
	Baseball Planning Grant	$5,791.87
NEH-Pass-through the Huntington Library	Lincoln Traveling Exhibit	$25,369.14
	Forever Free-Lincoln Traveling Exhibit II	$95,178.05
NEH-Pass-through National Video Resources	Jazz Legacy	$31,608.10
NEH-Pass-through Louisiana Endowment for the Humanities	Prime Time Reading 5	$9,999.95
NEH-Pass-through New York Historical Society	Alexander Hamilton Traveling Exhibition	$46,186.65
National Endowment for the Arts	Library Networks for Literature	$7,897.69
NEH/Cooperative Agreement/Carnegie Corp.	We the People Bookshelf II-Freedom	$27,191.66
	We the People Bookshelf II-Becoming American	$721,865.21
	We the People: Pursuit of Happiness	$24,859.63
TOTAL GOV'T GRANTS		**$1,573,761.78**

MARY ALICE BAISH
Georgetown University Law Center
111 G St. NW, Washington DC 20001-1417
(202) 662-9200
baish@law.georgetown.edu
http://www.aallnet.org/aallwash

Mary Alice Baish, Acting Washington Affairs Representative for the American Association of Law Libraries (AALL), has been responsible for the daily activities of the Washington Affairs Office since 1995. She drafts testimony and letters on federal and state information policy issues, and represents the Association with members of Congress and their staff, other top agency officials, other national library associations and a host of coalitions in which AALL actively participates. AALL's policy agenda includes a broad range of issues related to access to government information, copyright and privacy. Ms. Baish has initiated a strong grassroots advocacy program for the Association, particularly with AALL's thirty state and regional chapters. She has written and spoken extensively about e-government information policy issues and served on the Public Printer's Depository Library Council from 1997–2000.

PROFESSIONAL POSITIONS

Washington Affairs Office of the American Association of Law Libraries
Acting Washington Affairs Representative, Fall 2007 – present.
Associate Washington Affairs Representative, 1995 – Fall 2007.

The American University Library
Reference/Documents Librarian, 1991 – 1994.
Recipient of American University Faculty Research Grant, Summer 1994.

Seton Hall University Law School Library
Documents Librarian, 1988 – 1990.

Archibald S. Alexander Library, Rutgers, The State University of New Jersey
Graduate Assistant, 1987 – 1988.

PROFESSIONAL ACTIVITIES

American Association of Law Libraries (AALL)
AALL Representative to American Bar Association Standing Committee on the Law Library of Congress, Institute of Museum and Library Services, Library Copyright Alliance, National Information Standards Organization.
Staff Liaison to the AALL Access to Electronic Legal Information Committee, Citation Formats Committee, Copyright Committee and Government Relations Committee.
Planning Committee, AALL National Summit on Authentic Legal Information in the Digital Age, April 2007.
Project Manager, *State-by-State Report on Permanent Public Access to Electronic Government Information* (2003) and *State-by-State Report on Authentication of Online Legal Resources* (2007).

American Library Association (ALA)
Member, 1991 – present.
Member, Government Documents Roundtable, 1991 – present.
Member, Committee on Legislation's Government Information Subcommittee, 1994 – present.
Member, Committee on Legislation's Federal Libraries Subcommittee, 2007 – present.

Americans for Fair Electronic Commerce Transactions
Board President, 2007 – present.
Member, 2000 – 2006.

The Public Printer's Federal Depository Library Council
Member, 1997 – 2000.

Friends of the Law Library of Congress
Board Member, 2008 – present.

GLIN (Global Legal Information Network) Advisory Council
Member, 2007 – present.

GLIN (Global Legal Information Network) Board of Trustees
Board Member, 2008 – present.

OpenThe Government.org
Steering Committee Member, 2002 – present.
Executive Committee Member, 2006 – present.

PRESENTATIONS (2007)

"Authentic Legal Information in the Digital Age: Is Online Legal Information Trustworthy?" Joint Conference of the Virginia Library Association and Virginia Association of Law Libraries, Hot Springs, VA, November 2007.

"Authentic Legal Information in the Digital Age: Where Do We Go From Here?" Tenth Court Technology Conference, Tampa, FL, October 2007.

"AALL Authentication Report and National Summit," Federal Depository Library Council and Fall Depository Library Meeting, Washington, DC, October 2007.

"Authentication of and Permanent Public Access to Electronic Documents," NALIT 2007 Professional Development Seminar, Springfield, IL, September 2007.

"Hot Topics on AALL's Policy and Legislative Agenda," 2007 Legislative Advocacy Leadership Training, AALL Annual Conference, New Orleans, LA, July 2007.

"AALL's Survey on Authentication of Government Information: A Year Later and Still Challenging: Key Findings of the Authentication Report," AALL Annual Conference, New Orleans, LA, July 2007.

"Librarians As Change Agents: Influencing Public Policy," AALL Annual Conference, New Orleans, LA, July 2007.

"How Trustworthy Are Primary Legal Resources on the Web?" Best Practices Exchange 2007, Phoenix, AZ, May 2007.

"The Future of Primary Legal Resources on the Web," Conference on Back to the Future of Legal Research, Chicago, IL, May 2007.

"The Technological Solutions for Best Practices," AALL National Summit on Authentic Legal Information in the Digital Age, Chicago, IL, April 2007.

PUBLICATIONS (RECENT)

Columnist:
AALL Washington Affairs Office Issue Briefs
AALL Washington E-Bulletin, 2006 – present.
AALL Washington Blawg, 2008 – present.
"Washington Brief," AALL *Spectrum*, 1995 – present.
"Washington Report," ALA *Documents to the People*, 1992 – 2000.

Executive Editor, AALL *State-by-State Report on Authentication of Online Legal Resources*, 2007.

Executive Editor, AALL *State-by-State Report on Permanent Public Access to Electronic Government Information*, 2003.

"Librarians as Change Agents—How You Can Help Influence Public Policy in the 110th Congress," *Searcher: The Magazine for Database Professionals*, March 2007.

EDUCATION

M.L.S., summa cum laude, School of Communication, Information and Library Studies, Rutgers, The State University of New Jersey, 1988.
Elected to Beta Phi Mu, International Library Science Honor Society, May 1989.

Ed.M., cum laude, The State University of New York at Buffalo, 1972.

B.A. (French), cum laude, Saint Joseph College, Emmitsburg, Maryland, 1968.
Elected to Pi Delta Phi, National French Honor Society, 1965.
Omega Chapter President, 1967-68.

Pre-Masters Certificate, Laval University, Quebec, June 1967.

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

Mary Alice Baish
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May 2, 2008

The Honorable Debbie Wasserman Schultz
Chairmanwoman, Subcommittee on Legislative Branch
House Committee on Appropriations
Room H-147 The Capitol
Washington, D.C. 20515

The Honorable Tom Latham
Ranking Member, Subcommittee on Legislative Branch
House Committee on Appropriations
Room H-147 The Capitol
Washington, D.C. 20515

Dear Chairwoman Wasserman Schultz and Ranking Member Latham:

I look forward to testifying before you next week at the Public Witness Hearing in support of the FY 2009 appropriations request of the U.S. Government Printing Office. In addition, I write to you today to express our endorsement of the statement that will be given by Congressman William Orton, on behalf of the American Bar Association, in support of the FY 2009 funding for the Law Library of Congress. Full and adequate funding for the Law Library is crucial to its ability to fulfill its mission in providing timely access to its collections to Congress, the Congressional Research Service, the U.S. Courts, the executive branch, the legal community and members of the public.

The American Association of Law Libraries ("AALL") is a non-profit educational organization with over 5,000 members nationwide. AALL's mission is to promote and enhance the value of law libraries to the legal and public communities, to foster the profession of law librarianship, and to provide leadership in the field of legal information and information policy. Access to government information, the future of the Federal Depository Library Program, and the adequate funding of our Nation's de facto national law library are three important priority issues for AALL and our members.

The Law Library of Congress is the world's largest collection of United States federal and state, international, comparative and foreign legal documents, covering over 200 jurisdictions. With an exceptionally skilled staff competent in most foreign languages and international law and legal systems of the world, the Law Library serves thousands of users each year and, in addition, a rapidly increasing number of remote users through its Web site and its unique digital collections.

The Law Library of Congress needs adequate annual funding:

• to develop and maintain its comprehensive legal collections, including foreign and international materials essential to global commerce;

• to achieve timely cataloging and processing of all new materials;

• to support the critically important "Access to Law Collections" project to reclassify its print collection to the Class K international standard for legal materials—until this project is completed, a substantial portion of the library's collection cannot be easily retrieved;

• to ensure the conservation of the Law Library's collection of over 65,000 unique rare books; and,

• to provide specialized legal research to members of Congress and their staff.

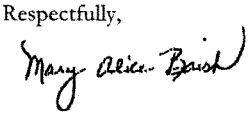
At the same time, the Law Library must continue to develop and enhance its important digital projects, such as the Global Legal Information Network, a uniquely important multinational legal database of current, official foreign laws, regulations and other legal resources important to our government, to the legal and business communities and the public.

AALL and the ABA have been working closely together for well over a decade to seek ways to improve funding for the Law Library. In 2001, our Executive Board passed a Resolution on the Creation of a National Law Library, expressing our concern that "the Law Library's services, collections, facilities and digital projects have not been sustained with adequate budgets or staffing necessary to fulfill the Library's mission to serve Congress as well as the legal community and the public." While we recognize that creating an independent National Law Library is a long-term goal, the crisis at hand is to fund the Law Library so that it becomes the first-class library that its collections, its staff and its users deserve.

Chairmanwoman Wasserman Schultz, since I met with you in February, along with Congressman Orton and others from the ABA, we have been working with Representative Zoe Lofgren and her staff on a legislative solution which we believe is critically important to the Law Library's future and for which we seek your Subcommittee's support. It has three important components: 1) the authorization of a one-time, additional $3.5 M for the Law Library of Congress; 2) the authorization for a separate line item in the federal budget for the Law Library; and, 3) the authorization for the creation of a non-profit Foundation. The Foundation would be the mechanism for the ABA to begin fundraising efforts for expanded services, such as interlibrary loan and document delivery.

In conclusion, we seek the Subcommittee's support for the Law Library's full funding in FY 2009 and for the legislation that Representative Lofgren is preparing to introduce. I thank you both for your strong support for the Law Library of Congress and look forward to working with you on these important matters. I respectfully ask that you please include this statement as part of the record of the May 7, 2008 Public Witness Hearing. Thank you very much.

Respectfully,



Mary Alice Baish
Acting Washington Affairs Representative
American Association of Law Libraries

GOVERNMENT PRINTING OFFICE

WITNESS

JOHN E. ELFREY, VICE PRESIDENT, LL2135 INTERNATIONAL ASSOCIATION OF MACHINISTS, GOVERNMENT PRINTING OFFICE

OPENING STATEMENT—MR. ELFREY

Ms. WASSERMAN SCHULTZ. Last but not least, Mr. John Elfrey, the Vice President of the International Association of Machinists at the Government Printing Office.

Mr. Elfrey, you are welcome. Your full statement will be entered into the record, and you can proceed with a 5-minute summary of your statement.

Mr. ELFREY. Honorable Chairwoman, I appreciate the opportunity to talk to you today concerning the management in the Government Printing Office and the morale of its employees.

I've been a machinist at the Government Printing Office for 11 years. My responsibility includes repairing the presses for the Congressional Record, passports and the Federal Register. I am also a member of the International Association of Machinists and Aerospace Workers and am Vice President of Local Lodge 2135.

MORALE DOWN AT GPO

There was a time in the not-too-distant past that GPO was a great place to work. It was a place where people came to work with smiles on their faces. Today, the smiles are gone, morale is at an all-time low and the only thing that keeps GPO employees going is their need to bring home a paycheck to their families and a sense of duty to the Nation and the taxpayers.

The shift began in 2002, the day that Bruce James, the new Public Printer, walked through the doors of GPO. Mr. James began his tenure by calling the employees at GPO ignorant and illiterate. There was such a backlash to his comments that Mr. James had to make public apologies, but the damage was already done.

To add insult to injury, security became an obsession with the Public Printer. Employees were made to feel like they were security risks. When I questioned the Labor Relations Department about the new security procedures, I was told by them that all Federal agencies were going through the same changes, but I made phone calls to 14 different agencies and found out that none of them were making employees with valid ID badges go through the same measures we were going through. Some of these agencies were the State Department, the FAA and the IRS. And yet employees at GPO with valid ID badges were made to empty their pockets, go through magnetometers and have their lunches x-rayed.

Moreover, Congress had appropriated $500 million for security upgrades at GPO such as hydraulic barriers to keep trucks out from invading the building, but these were never installed. Instead, it was rumored that this money was placed in the revolving fund and used for travel.

Over the years, because of a variety of reasons like technology changes and outsourcing, the numbers of employees have slipped from 8,500 employees to 2,200 employees. At the time that the GPO had 8,500 employees, there were three production managers.

In the past when GPO cried poverty, they typically would reduce costs by cutting overhead. The previous Public Printer, Michael DeMario, eliminated 104 management positions, including five Deputy Public Printers. Congress authorized early retirement, and we lost many low-paying jobs. My shop alone lost six full-time employees, and the workload increased, also detrimental to our morale.

The cuts in management were short-lived. In the first 2 years that Mr. James was Public Printer with employment levels at 2,200, Mr. James had more people in management than GPO had when we had 8,500 employees. We now have approximately six production managers with an unknown number of assistant production managers and production engineers that the GPO is paying between $90,000 and $143,000 a year. Moreover, Mr. James hired back 105 of the positions that Mr. DeMario had reduced. Worse, while the GPO had two professional photographers on its staff, Mr. James hired a personal photographer at $90,000 a year.

Coincidentally, Mr. James had made it known to a number of media outlets that the job he wanted after the GPO was the Governor or the Senator of Nevada. I personally witnessed Mr. James making a video showing him heading towards Capitol Hill.

In 2002, after assessing the training needs of GPO, Mr. James promised a joint venture with local universities and colleges to meet the needs of the employee education. With great fanfare, Mr. James hired Steve Patrick to head training and develop it, and Mr.——

Ms. WASSERMAN SCHULTZ. You have about a minute, Mr. Elfrey.

Mr. ELFREY. Pardon me?

Ms. WASSERMAN SCHULTZ. You have about a minute.

Mr. ELFREY. Within a month, Mr. Patrick and Mr. Carr announced the establishment of the GPO University to meet the training goals. Two days later, Mr. Carr was fired.

In 2006, GPO received $5 million to help meet training requirements. At the best, the only training we ever received was Windows XP or Word Perfect and that was if the workload would permit. It is hard to believe that $5 million was spent on Windows XP training.

GPO had a great opportunity to invest in their greatest asset, their workforce, but they didn't. A month ago, Mr. Patrick left GPO, still talking about the skills and the assessments.

As I stated earlier, the morale at GPO is at an all-time low. The employees have had to endure being called names, being treated like security risks with over-the-top and intrusive security checks, outsourcing and reductions in force and, ultimately, concession bargaining.

Ms. WASSERMAN SCHULTZ. I have to ask you to wrap up, Mr. Elfrey.

Mr. ELFREY. All right.

I would just like to say that we have been trying to get an agreement with GPO for over 2 years. We had an agreement in principle with Mr. Michael Stein, who was hired as head of labor relations to simplify the pay scales for 23 bargaining units. We came to an agreement in principle, and the next day Mr. Stein was fired. I told

my membership that I wouldn't get a haircut until we got a new contract, and this is where I stand today.

Ms. WASSERMAN SCHULTZ. Thank you very much, Mr. Elfrey.

[Mr. Elfrey's prepared testimony, disclosure form, and résumé follow:]

John E.Elfrey, machinist at the GPO, Vice-President LL2135 IAMAW,

May 7,2008, House Appropriations Committee, Legislative Branch Subcommittee

The GPO used to be a great place to work. Everyone came thru the door with a smile on their face and a friendly word for others. But trouble started the day Bruce James walked thru the door. He initially called the work force ignorant and illiterate. There was so much backlash that he made apologies on the radio and in print. Also in these media outlets he let it be known that the next job he wanted was either governor or senator of Nevada. For this reason he hired his own photographer (at $90K) even though GPO already had two photographers on staff. I personally witnessed the making of a video showing Bruce leaving the GPO with briefcase in hand turning toward the Capitol Building and with purposeful strides head to Congress.

The second thing Mr. James did was to change Agency policy regarding alcoholic beverages on the GPO's property. The agency now has a permanent resident Party Planner.

Then security became an obsession. As a union official I questioned the need to subject upstanding employees to X-raying their lunches and emptying their pockets to pass thru the magnetometers. I was told by Labor Relations that all agencies where doing this. So I called fourteen agencies, including the FAA, State Dept, GSA, IRS, and none of them where forcing employees with up-to-date ID badges to go thru these procedures. Congress had already appropriated $5 mil for security upgrades(i.e. Hydraulic barriers)but these where never installed. Rumor and innuendo say the money was placed in the "Revolving Fund" and used for travel. When the IG, appointed by Mr. James, started questioning he was summarily fired.

Next came Buyout or Early Retirement authorization from Congress. We lost a lot of lower paying positions and it seemed that for each position lost, three or four $90K to $143K jobs appeared on the bulletin board or the web site. When the agency cried poor in the past, they tried to cut cost by cutting overhead. The previous Public Printer, Michael

Di Mario, eliminated 104 management positions (including five Deputy Public Printers). In his first two years on the job Mr. James hired back 105 and the count goes on. The machine shop lost six FTEs even though our work load increased due to a number of causes, least of which was the flurry(or was it an avalanche) of office redesign and configuration. Not to mention the $10K office doors.

Fact: When we had 8500 employees we had three Production Managers

Fact: We now have 2200 employees and we have six Production Mangers, an unknown number of assistant Production Mangers(at $90K to $120K) and an unknown number of Production Engineers. Just one of these positions would give each machinist a $2.78 an hour raise for the year.

Mr. James hired Steve Patrick as head of training and employee development in 2002 and he started talking about needs and assessments and a joint venture with local colleges and universities for employee education. Mr. James hired a Mr. Carr, with great fanfare as the best Human Capital person available. Within months Mr. Patrick and Mr. Carr announced GPO University--- two days later Mr. Carr was fired. In 2006 a budget request for $5mil was filled by Congress. Mr. James promised to take all employees into the next phase of GPO. All we ever saw was Windows XP or Word Perfect, If our supervisors thought the work load would permit. Mr. Patrick left the GPO last month, still talking about skills and assessments. Where was the money spent?

Then there is the Staubach Fiasco. Mr. James wanted to move the GPO into a modern facility. He signed a contract with the Roger Staubach Group to research such a facility within city limits for $2.3 mil and received information he could have received from the D>C. Government for free.

In a meeting with the Unions in the beginning of 2006 Mr. James stated the GPO had:

$45 mil in the bank

$25 mil in allocated funds not used

$20 mil operating fund cushion

$9.2 mil profit for 2005

$15.9 mil profit for 2006

$9.9 mil profit for the first qt. of 2007

And they still couldn't give the work force a decent raise!

Mr. James hired Mike Stein as the head of Labor Relations in 2006. He was tasked with simplifying the pay scale of the 23 bargaining units. He reached an agreement in principle with the IBEW and the IAMAW and was fired the next day. Why?

In an agency ripe with money and profits, morale is at an all time low!

There are so many questions at the GPO now:

1. They can't give workers a decent raise but handout lavish bonuses. $181K in 2007
2. Some section used to have two cost codes, now they have as many as twelve each with its own budget
3. They spent $2mil on travel in 2005. By some estimates they spent $20mil in 2006. God only knows what they spent in 2007.
4. Why are contractors and consultants traveling on U.S. Taxpayer's dollars?
5. Why does Transportation and Parking have its own airline ticket machine?
6. Why pay $500 a night per room when $200 rooms are available?

   ($77K for rooms in Düsseldorf)
7. Why do workers have to pay for their wage increases thru concession bargaining when the GPO made in excess of $88mil for 2007?
8. If they are running GPO as a business, how come they don't reinvest in their greatest asset --- The Work Force?
9. How are they able to break the law and get away with it? (forged emails,etc.)

The new Public Printer is of the same mould, He paid $10K for a picture of his swearing ceremony with GPO funds!! He worked at the GPO for five and half years and still, by his own admission, didn't know where the Press Room was located.

Subcommittee on the Legislative Branch
Witness Disclosure Requirement – "Truth in Testimony"
Required by House Rule XI, Clause 2(g)

Your Name:		
1. Are you testifying on behalf of a Federal, State, or Local Governmental entity?	Yes	No X
2. Are you testifying on behalf of an entity other than a Government entity?	Yes X	No
3. If your answer to question number 2 is yes, please list any federal grants or contracts (including subgrants or subcontracts) which you have received since October 1, 1996: N/A		
4. Other than yourself, please list what entity or entities you are representing: Local Lodge 2135 of the IAMWA		
5. If your answer to question number 2 is yes, please list any offices or elected positions held or briefly describe your representational capacity with the entities disclosed in question number 4: Vice-President, Committeeman, Shop Stward		
6. If your answer to question number 2 is yes, do any of the entities disclosed in question number 4 have parent organizations, subsidiaries, or partnerships to the entities for whom you are not representing?	Yes	No X
7. If the answer to question number 2 is yes, please list any federal grants or contracts (including subgrants or subcontracts) which were received by the entities listed under question number 4 since October 1, 1996, including the source and amount of each grant or contract: N/A		

Signature: _____ Date: 4/30/08

Please attach this sheet and your CV (resume) to your written testimony.

John E. Elfrey
57 Ashley Way
Myersville, MD 21773

1997-Present	Machinist at the U.S. Government Printing Office; also shop steward, Committeeman, and presently Vice-President of LL2135 of the IAMAW
1994-1997	Industrial Equipment Mechanic for the USACE-WA
1983-1994	Production Machinery Mechanic for the Philadelphia Naval Shipyard

NEW PUBLIC PRINTER

Ms. WASSERMAN SCHULTZ. I noted that your testimony—much of the criticism almost exclusively relates to the former Public Printer. Has your relationship with the new Public Printer, Mr. Tapella, improved at all?

Mr. ELFREY. Mr. Tapella came up to the pressroom; and after 5½ years at GPO, he personally admitted that he didn't know where the press room was and that he had to be led there. So I don't think that the workers are having any better——

Ms. WASSERMAN SCHULTZ. So you haven't had any improvement in your relationship with the——

Mr. ELFREY. No.

Ms. WASSERMAN SCHULTZ [continuing]. Management of the printer since his taking over? Okay.

Mr. ELFREY. No.

Ms. WASSERMAN SCHULTZ. Okay. Thank you very much for your testimony.

Mr. Latham? No.

CLOSING REMARKS

Thank you very much. We appreciate your testimony. We appreciate the testimony of all of the witnesses and the opportunity to hear from you.

I can assure you that, as the Chair of the subcommittee, I will follow up with each of the agency heads on the concerns raised by each of the people who testified today. We will look into the criticism and the concern; and, in some cases, we will be able to help change the situation or at least inquire as to how the situation might change and improve. Because it is important to me as the Chair to make sure that the quality of life in the working environment for employees in the Capitol complex is of very high quality.

With that, I want to thank Mr. Latham; and the subcommittee stands in recess until the next meeting which will be our hearing on CVC oversight on May 22nd.

THURSDAY, MAY 22, 2008.

CAPITOL VISITOR CENTER

WITNESSES

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

BERNARD UNGAR, CAPITOL VISITOR CENTER PROJECT EXECUTIVE, ARCHITECT OF THE CAPITOL

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

TERRELL DORN, DIRECTOR, PHYSICAL INFRASTRUCTURE ISSUES, GOVERNMENT ACCOUNTABILITY OFFICE

CHAIR OPENING REMARKS

Ms. WASSERMAN SCHULTZ. Okay. Good morning. I would like to call to order the Legislative Branch Subcommittee of the House Committee on Appropriations. This is our 11th oversight hearing of the Capitol Visitor Center, and I am pleased to hear that the CVC is still on track with a $621 million estimate and an opening month of November. We are continuing to have these oversight hearings because we want to make sure that we keep on top of the progress that is being made, in terms of the completion of construction, the punchlist and other smoke control and fire alarm testing, system testing, and the million other little details that are going to unfold as we progress towards November.

We want to get a regular update today on the CVC's progress. We have a number of important issues that we want to cover. I know we will want to talk to you about the bus issue and how we are going to work out the drop-off portion of that problem, the issue of staff-led tours and the CVC's Web site and how our constituents will access it, and a number of other issues.

The statements will all be in the record, and each of the panelists will proceed with a 5-minute summary. Mr. Latham, if you have anything to add.

Mr. LATHAM. Just look forward to the testimony and we will proceed.

Ms. WASSERMAN SCHULTZ. Okay. Great. Today we are joined by Stephen Ayers, the Acting Architect of the Capitol; Terrie Rouse, the CEO for Visitor Services at the CVC; Bernie Ungar, the CVC Project Executive; and Terry Dorn, Director of Physical Infrastructure Issues at GAO.

Mr. Ayers, you can proceed with a 5-minute summary of your statement, and your statement will be entered into the record.

OPENING STATEMENT—STEPHEN AYERS

Mr. AYERS. Thank you, Madam Chair, and good morning, Congressman Latham. I am pleased to be here today to report on the

progress made to complete the Capitol Visitor Center and prepare for its operation and opening later this year.

The comprehensive Fire Alarm and Life-Safety testing continues on schedule, and we fully anticipate to meet our July 31st date for a temporary Certificate of Occupancy. Our cost to complete remains $621 million, and we have sufficient contingencies in place to meet our dates and our costs. The smoke control issues in the atria areas have been resolved, and we are testing the wiring enhancements that we have spoken about previously. Those tests have been completed. Along with the ongoing fire alarm testing, we are completing minor construction in the East Front, the Library of Congress tunnel, the House Hearing Room, exterior grounds, and the Senate atrium stairs. Work on the House atrium stair is essentially complete.

PROJECT UPDATE

With regard to the remaining construction work, I am pleased to note that ceiling tile installation is nearly complete in the Library of Congress tunnel, and the terrazzo floor work is progressing well. Stone masons are now setting stone at the base of the tunnel walls, and painters are painting the ceiling in the west end of the LOC tunnel. Workers continue installing the railing in the East Front interior stairs, and masons are preparing to set black granite slabs around the two large sky lights that flank Emancipation Hall, which will be the focal point of those water features.

In the Exhibition Hall, work on punchlist items continues. All major furniture and exhibit cases have been installed. And as I reported last month, the 11-foot touchable model of the Capitol dome has been installed. The six smaller scale models of Capitol square during various time periods will be installed in June. Work in the House and Senate Virtual Theaters has been completed, and the films will be installed later this summer. In the House Hearing Room, fabric wall panels have now been installed, and carpet installation is ongoing and should be complete this week.

Crews continue to work to complete punchlist items such as mill work, wall stone, floor stone, grout, plaster, ceiling, doors, and paint and other finishes. Outside workers continue to install the glass panel on the elevators along the plaza. Crews are also restoring and grading the south egg to prepare the area for sod. They are planting trees, shrubs, and other small plants along the CVC entrance paths.

CHANGE ORDERS AND PUNCHLIST ITEMS

As of today, there are approximately 6,100 open items on our punchlist, and we have abated over 2,000 since our last hearing in April. We are also continuing to address various issues that have arisen, such as those associated with equipment that operates the CVC's fountains and security system wiring.

In April, 37 change orders were settled. In anticipation of the receipt of the temporary Certificate of Occupancy, the Capitol Superintendent's office continues to hold relocation coordination meetings with future occupants, and is ordering long lead equipment, furniture, and tools for the necessary maintenance functions in the Visitor Center.

Madam Chair, as we reported last month, we received the independent consultant's preliminary report on the plaza paver situation. The issues discussed in the report include such matters as the provision for expansion and water drainage, and the composition of the material on which the pavers are set. I want to assure the subcommittee that we are working very aggressively on a course of action to correct the problems identified. These issues are procurement sensitive, and we will provide our complete action plan, which is due to this subcommittee May 30th.

In anticipation of the CVC's openings, Ms. Rouse and our team continue to work with oversight committees and congressional leadership on plans for the CVC visitor services operations, and I know she has several updates to share with the subcommittee today.

Madam Chair, we are reminded each day, as thousands of visitors pass through the Capitol Building, that the CVC will greatly enhance the visitor experience, offer additional educational opportunities, and provide the necessary amenities to the millions of people who visit here each day.

This one-of-a-kind facility will be a true asset to the Capitol complex, and our country, and we continue to appreciate the support of this subcommittee and the Congress as we work to ready the CVC for the visiting public later this year. This concludes my statement.

[Mr. Ayers' prepared statement follows:]

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

Regarding the Capitol Visitor Center Project

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

May 22, 2008

Good morning, Madam Chair, Congressman Latham, and Members of the Subcommittee. I am pleased to be here today to report on the progress made to complete the Capitol Visitor Center (CVC), and prepare for its opening and operation later this year. Joining me today are Mr. Bernie Ungar, CVC Project Executive, and Ms. Terrie Rouse, our Chief Executive Officer for Visitor Services.

The comprehensive fire alarm and life-safety testing continues on schedule. The smoke control system issues in the atria areas have been resolved, and the testing of the wiring enhancements has been completed. Along with the ongoing fire alarm testing, we are completing minor construction in the East Front, the Library of Congress tunnel, the House Hearing Room, the exterior grounds, and the Senate atrium stairs. Work on the House atria stair is essentially complete.

With regard to the remaining construction work, I am pleased to note that ceiling tile installation is nearly complete in the Library of Congress tunnel, and the terrazzo floor work is progressing. Stone masons are now setting stone at the base of the tunnel walls. Workers continue installing the railing on the East Front interior stairs, and masons are preparing to set black granite slabs around the two large skylights that flank Emancipation Hall, which will be the focal point of those water features.

In the Exhibition Hall, work on punchlist items continues. All major furniture and exhibit cases have been installed. As I reported last month, the 11-foot, touchable model of the Capitol Dome has been installed. The six smaller-scale models of Capitol Square during various time periods will be installed in late June. Work in the House and Senate virtual theaters has been completed, and the films will be installed later this summer.

Outside, workers are installing the glass panels to the exterior elevators on the plaza. Crews are also restoring and grading the South Egg to prepare the area for sod, and they are planting trees, shrubs, and other small plants along the CVC entrance paths.

Professional crews continue to clean most of the CVC's public spaces, and have begun to work in areas of the House and Senate Expansion Spaces. In the House Hearing Room, fabric wall panels have been installed and the carpet is now going in. Crews continue to work to complete punchlist items such as millwork, wall stone, floor stone, grout, plaster work, carpeting, doors, paint and other finishes.

As of May 14 there were approximately 6,900 open items on the main punchlist. We are also continuing to address various issues that have arisen, such as those associated with the equipment that operates the CVC's fountains and security system wiring. Given the pace of the work, we remain on schedule to receive the temporary Certificate of Occupancy by July 31.

In anticipation of receipt of the temporary Certificate of Occupancy, the Capitol Superintendent's Office continues to hold relocation coordination meetings with future occupants, and is ordering long-lead equipment and tools required for the maintenance functions in the CVC. In addition, Capitol Superintendent's staff is performing limited cleaning operations and anticipates awarding the full custodial contract this summer. They have accepted all the fan coil units, and have also accepted 22 of the 23 air handling units, and are performing the required preventative maintenance on this equipment.

Madam Chair, as we reported last month, we received the independent consultant's preliminary report on the plaza pavers. The issues discussed in the report include such matters as provision for expansion and water drainage, and the composition of the material on which the pavers are set. These issues are procurement sensitive and therefore, we can not go into detail in a public hearing regarding the report's findings.

However, I want to assure the Subcommittee that we are working aggressively on a course of action to correct the problems identified. Currently, we are assessing the detailed report and evaluating its recommendations. It has always been our plan to move forward this spring to address the issue; once the heavy construction equipment was no longer needed – the last of which was removed in March – and the ground had thawed. Once the assessment of the report is complete, and with the concurrence of Congressional stakeholders, we plan to move forward with an action plan to correct the paver issue this summer.

In April, 37 change orders were settled. The magnitude of the change order proposals being received continues to diminish, with most new proposals coming in below $10,000. Gilbane and the CVC Project Team continue to focus their efforts on settling the largest outstanding change orders first and as quickly as possible.

In anticipation of the CVC's opening, Ms. Rouse and our team continue to work with Oversight Committees and Congressional leadership on plans for CVC's visitor services operations. I know she has several updates to share with the Subcommittee today.

Madam Chair, we are reminded each day as thousands of visitors pass through the Capitol Building, that the CVC will greatly enhance the visitor experience, offer additional educational opportunities, and provide necessary amenities to the millions of people who visit here each year. This one-of-a-kind facility is a true asset to the Capitol complex and to our country. We appreciate the continued support of this Subcommittee and Congress as we work to ready the CVC for the visiting public later this year.

This concludes my statement. I would be happy to answer any questions you may have.

Ms. WASSERMAN SCHULTZ. Thank you very much. Ms. Rouse.

OPENING STATEMENT—TERRIE ROUSE

Ms. ROUSE. Good morning. Madam Chair, Congressman Latham, members of the subcommittee, I am pleased to appear before you again to update you on our progress in readying the Capitol Visitor Center from an operational perspective. In keeping with the best practices among museums and large facility professionals, we plan to open the Capitol Visitor Center when all visitor areas have been tested and fully functional.

From opening day onward, the Visitor Center will need to operate at full readiness on a daily basis. Once we open the doors to the public, we want our operation to be flawless in order to proudly showcase the Capitol Building and the Congress. Ahead of our opening we need to undertake a comprehensive public education campaign so that we can manage the expectations of our visitors, especially visitors who have never been here before. Prior to that, we will implement an internal communication plan to make sure that all Members and staff are fully apprised of our new visitor activities and policies and trained in the new facility.

CVC WEBSITE

The Visitor Center Web site, which will be live prior to opening, will be a critical component of this public education campaign. Our Website will alert visitors to the Capitol to what they are allowed to carry with them in the building, as it is part of the Capitol. The Capitol Visitor Center's list of prohibited items will mirror the list designated by the Capitol Police for the Capitol Building.

As we discussed at previous hearings, the Web site will contain critical logistical information, such as how tours and advanced reservations will work, how visitors may approach the Capitol, and the amenities we are providing like the restaurant and gift shops. We will even include a special section with tools and lesson plans for teachers who are bringing their students on field trips to Washington. It is our goal that the Web site will not only offer information about Members of Congress and the Capitol Building, it will also motivate people to become engaged in civic activity.

With an extensively illustrated on-line exhibition area, the Web site will be step one in the inspirational journey that people will take when they visit the U.S. Capitol. We hope that visitors who will look at the Web site and who visit the Capitol will be inspired to go home and get involved, perhaps on the basis of the grass roots level with the community and their local government. We want them to go home and attend a town hall meeting, visit the local representative's office, write a letter to an elected official on an issue that they care about, or even volunteer in the communities. We hope that people will leave the Visitor Center with a passion to become engaged in the civic life of their neighborhoods.

Madam Chair, as I have noted in prior hearings, we have much to do and not much time to do it in to prepare for the public opening. We look forward to the final passage of the legislation that establishes our Visitor Center organization, which provides the management and administration of the Visitor Center.

CERTIFICATE OF OCCUPANCY

We look forward to the receipt of the temporary Certificate of Occupancy so that we can start moving our staff and the equipment into the brand new facility, and we are preparing to begin testing and adjusting our operational plans. Guides and Visitors Assistants need time to train inside the facility as soon as the final Certificate of Occupancy is awarded.

Thank you again for this opportunity to update the subcommittee on our activities, and thank you for your continued support and interest. I would be pleased to answer any questions.

[Ms. Rouse's prepared statement follows:]

Statement of Ms. Terrie S. Rouse
Chief Executive Officer for Visitor Services
for the Capitol Visitor Center, Office of the Architect of the Capitol

Before the Subcommittee on Legislative Branch
Committee on Appropriations

Regarding
Capitol Visitor Center Operations

May 22, 2008

Madam Chair, Congressman Latham, members of the Subcommittee, I am pleased to appear before you again to update you on our progress in readying the Capitol Visitor Center from an operational perspective.

As we prepare to welcome the public to the largest-ever expansion of the U.S. Capitol building, there are critical decisions that must be made by Capitol Visitor Center stakeholders to ensure that we honor and pay homage to the institution and to the American people in the gracious manner that they deserve.

Here are some of the key functions that will signal the Visitor Center's operational readiness for a complete visitor experience:

1. Emancipation Hall has two fully functioning information and ticketing counters which have access to the Advance Reservation System and the Visitor Center Web site.
2. The orientation theaters are functional with audio/visual equipment, and the orientation film is ready to view by the public.
3. The exhibit area is complete, and all artifacts and documents are installed. Ninety days of stable environmental readings are needed in the Exhibit Hall prior to installations.
4. Virtual House and Senate displays in the exhibit area are fully functioning and operational as planned.
5. The gift shops and restaurant facilities are fully stocked, functional, and open to the public.
6. All Security-related items, devices, and equipment, or alternatives acceptable to the U.S. Capitol Police, are installed and operational in the screening space and public space,

which will allow visitors to enter the facility, be screened, store coats, and move within the facility.

7. As certified by the U.S. Capitol Police, all life-safety systems, including emergency egress routes for the CVC, are functioning and available.
8. All visitor services and visitor flow have been tested repeatedly, including at full capacity. The Guides, Visitor Assistants and Roving Explainers in the Exhibit Area need to be trained thoroughly in the Visitor Center itself, and our Advance Reservation System needs to have been fully operational for testing 90 days prior to opening.
9. All Capitol Police and CVC staffs have been fully trained in life-safety and evacuation procedures and have tested repeatedly to ensure readiness.

In keeping with the best practices among museum and large facility professionals we plan to open the Capitol Visitor Center when all visitor areas have been tested and are fully functioning. From opening date onward, the Visitor Center will need to operate at full readiness on a daily basis.

Some staff from the Senate, the House and the Visitor Center itself will need to be moved into 137,000 square feet of the Visitor Center into offices that include the Senate Recording Studio, the Office of Security and Emergency Preparedness, and the U.S. Capitol Police Capitol Division.

We need to undertake a comprehensive public education campaign so that we can manage the expectations of our visitors – especially visitors who have never been here before. Prior to that, we will implement an internal communication plan to make sure that all Members and staff are fully apprised of our new visitor activities and policies and trained in the new facility.

The Visitor Center Web site, which will be live prior to opening, will provide critical information in this public education campaign.

Our Web site will alert visitors to the Capitol of what they are allowed to carry with them into the building. As it is an extension of the U.S. Capitol, the Visitor Center's list of "prohibited items" will mirror the list designated by the U.S. Capitol Police for the Capitol Building. Here's what that list looks like:

Prohibited Items List

Item		All Capitol Visitors (Public, Staff-Led, and Member-Led)	
		Capitol	**Galleries**
1	Aerosol Containers	Prohibited	Prohibited
2	Any battery-operated electronic device	Allowed	Prohibited
		Medical devices are permitted.	
3	Any pointed object (knitting needles, letter openers, etc.)	Prohibited	Prohibited
		Pens and pencils are permitted.	
4	Any bag larger than 14" wide x 13" high x 4" deep	Prohibited *A visitor with a verified meeting or appointment inside the Capitol (i.e., official business visitors) may exceed the standard maximum bag size if the item is necessary to conduct his or her business. USCP discretion shall be used in each case, with all bags subject to thorough search and security screening.*	Prohibited
5	Cameras	Allowed	Prohibited *(both in and out of session)*
6	Cans and bottles	Prohibited	Prohibited
7	Creams, lotions, or perfumes	Allowed	Prohibited *(both in and out of session)*
8	Electric stun guns, martial arts weapons or devices	Prohibited	Prohibited
9	Food or beverages of any kind	Prohibited	Prohibited
10	Guns, replica guns, ammunition, and fireworks	Prohibited	Prohibited
11	Knives of any size	Prohibited	Prohibited

12	Mace and pepper spray	Prohibited	Prohibited
13	Non-aerosol spray	Prohibited	Prohibited
		Prescriptions for medical needs are permitted.	
14	Razors and box cutters	Prohibited	Prohibited
15	Strollers	Allowed	Prohibited
16	Video recorders or any type of recording device	Allowed	Prohibited

As we've discussed at previous hearings, the Web site will contain critical logistical information such as how tours and advance reservations work, how visitors may approach the Capitol, and the new amenities we're providing like the restaurant and the gift shops. We will even include a special section with tools and lesson plans for teachers who are bringing their students on field trips to Washington.

It is our goal that the Web site will not only offer information about Members of Congress and the Capitol Building, it will also motivate people to become engaged in civic activity. With an extensively illustrated on-line exhibit area, the Web site will be step one in the inspirational journey that people will take when they visit the U.S. Capitol. We hope that visitors who look at the Web site and who visit the Capitol Visitor Center will be inspired to go home and get involved – perhaps on the most basic of grass root levels – with their community and their local government. We want them to go home and attend a town hall meeting, visit their local representative's office, write a letter to an elected official on an issue they care about, or even volunteer in their communities. We hope that people will leave the Visitor Center with a passion to become engaged in the civic life of their neighborhoods.

Madam Chair, as I have noted at prior hearings, we have much to do and not much time to do it in to prepare for the public opening. We look forward to the final passage of the legislation that establishes our Visitor Services organization which provides for the management and

administration of the CVC. We look forward to the receipt of the temporary certificate of occupancy so that we can start moving our staff and equipment into this brand-new facility. And, we are preparing to begin testing and adjusting our operation plans – guides and visitor assistants need time to be trained inside the facility – as soon as the final certificate of occupancy is awarded.

Thank you, again, for this opportunity to update the Subcommittee on our activities, and thank you for your continued support and interest. I would be pleased to answer any questions you may have.

Ms. WASSERMAN SCHULTZ. Thank you, Ms. Rouse.

Mr. Dorn.

Mr. DORN. Good morning. Thank you, Madam Chair, Mr. Latham.

OPENING REMARKS—TERRELL DORN

Our status update this morning is somewhat routine in the sense that the project's budget of $621 million and the CVC's scheduled availability for opening remain unchanged. In fact, the fire alarm testing has gone so well that I find myself in the unfamiliar territory of being somewhat more optimistic than the AOC. I believe the fire alarm testing will finish slightly ahead of schedule.

PUNCHLIST ITEMS AND PAVERS

What I would like to highlight this morning are two issues, the punchlist and the pavers. On the punchlist, the CVC team has managed to reduce the list from the 15,000 items we have been talking about for the past few months down to about 7,000 items. The exact number, however, is unknown because at least two groups, the Fire Marshal and the Office of Compliance, are maintaining separate lists as they do their inspections. Prompt furnishing of these informal lists to AOC, and consolidation of all of these lists is important to help ensure all the repair work is done in the most efficient manner.

For example, if the main punchlist pointed out that the bronze finish on a handrail needed correction, you would not want to bother doing that if the Office of Compliance's separate list recommended that the whole handrail be replaced for a safety reason. In addition, the AOC needs the punchlist from other stakeholders so they have time to separate the punchlist from the wish list. It is not unusual at this stage of a project for new tenants in a building to request things that they want to customize their space or for inspectors to suggest things that they think should be done differently.

For example, Office of Compliance inspectors have identified several somewhat minor items that they would like to see changed, even though as designed and as constructed they meet the terms of the contract and they meet the terms of the building code. Unnecessary changes, even from good ideas, are much more costly at this late stage of the job than they would have been during design. They can be a drain on the project budget and a distraction to finishing the job at hand.

As a result of an earlier CVC hearing, AOC developed a process for vetting and approving user-requested changes, and they should consider following that process in this case.

PAVER DAMAGE

For the past several months the subcommittee has discussed needed repair of the damaged granite pavers on the plaza. Last month the Chair requested an action plan from the AOC. Since then, we have reviewed a draft report of the plaza's problems by one of AOC's consultants. And from the report it appears the repairs may involve the majority of the plaza, and will be very time-

consuming. It is not yet clear who will bear the burden of funding the repairs. Given the information available at this time, we believe there are sufficient contingency funds in the current project budget to address the situation. However, we share the Chair's concern that repairs must be well planned out so that there is no impact on the project's opening or the inauguration ceremonies. While no reliable schedule or cost estimates are available at this time, AOC is working with the plaza designer and other stakeholders to prepare new estimates.

This concludes my statement. I will be available to answer any questions.

[Mr. Dorn's prepared statement follows:]

United States Government Accountability Office

GAO

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

For Release on Delivery
Expected at 10:00 a.m. EDT
Thursday, May 22, 2008

CAPITOL VISITOR CENTER

Update on Status of Project's Schedule and Cost as of May 22, 2008

Statement of Terrell G. Dorn, Director,
Physical Infrastructure Issues

GAO-08-811T

Madam Chair and Members of the Subcommittee:

I appreciate the opportunity to be here today to assist the Subcommittee in monitoring progress on the Capitol Visitor Center (CVC) project. My remarks will focus on (1) the Architect of the Capitol's (AOC) construction progress since the last CVC hearing on April 15, 2008,[1] and (2) the project's expected cost at completion and funding status.

Today's remarks are based on our review of schedules and financial reports for the CVC project and related records maintained by AOC and its construction management contractor, Gilbane Building Company; our observations on the progress of work at the CVC construction site; and our discussions with the CVC team (AOC and its major CVC contractors) and AOC's Chief Fire Marshal. We also reviewed AOC's construction management contractor's periodic schedule assessments, proposed change order log, and weekly reports on construction progress.

Construction Is Nearly Complete, but Risks Remain

Since the April 15, 2008, CVC hearing, the project's construction and fire alarm acceptance testing have moved forward, and despite continued delays in certain CVC and expansion space work, AOC still believes that the project will be ready to open in November 2008. According to AOC's construction management contractor, in dollar terms, the overall CVC project remains 99 percent complete.[2] However, risks to the project's schedule remain in several time-critical activities, including the fire alarm acceptance testing. Many punch list[3] items also remain to be completed, and a steady number of proposed change orders have to be resolved. At this time, however, AOC does not expect the punch list items or the proposed change orders to affect the project's completion date.

Since the last hearing, work on the project's current critical path,[4] fire alarm acceptance testing, has continued. For example, the fire marshal has begun testing the building's smoke exhaust system. Although some

[1]GAO, *Capitol Visitor Center: Update on Status of Project's Schedule and Cost as of April 15, 2008*, GAO-08-677T (Washington, D.C.: Apr. 15, 2008).

[2]In other words, the sequence 2 contractor has received about 99 percent of the current contract value. This value does not include the costs of unsettled proposed change orders, potential claims, and work performed outside the current sequence 2 contract, such as the fire marshal's fire alarm acceptance testing.

[3]A punch list identifies tasks, usually minor, to be completed at the end of a project.

[4]The critical path is the single longest path of activities through a project's schedule. Each day of delay in the critical path could delay the completion of the entire project.

difficulties have occurred during this testing, no new significant issues have emerged. AOC still expects to receive a temporary certificate of occupancy for the project on or before July 31, 2008. We reviewed the construction management contractor's April 2008 schedule analysis, which indicates that the dates for completing the remaining sequence 2 construction and the House and Senate expansion spaces have continued to slip and are now expected to extend into July 2008. According to the construction management contractor, this remaining construction will not affect the completion of fire alarm testing or AOC's receipt of the temporary certificate of occupancy.

Once AOC has received the temporary certificate of occupancy, efforts to complete the remaining construction and correct punch list items may, however, be disruptive to congressional organizations that are concurrently moving into the building. Consequently, such efforts will require extensive coordination by AOC. For example, access to elevators or certain parts of the building may be limited, and repairs may be very noisy. The CVC team has gradually reduced the number of punch list items, which we have cited at the last several hearings. According to AOC, the number of punch list items has been reduced from over 15,000 to about 7,000. The exact number of punch list items is uncertain because multiple punch lists are now being used. For example, the fire marshal and the Office of Compliance are using separate lists to document new items from ongoing inspections. Unless AOC carefully reviews these new punch lists to separate true construction deficiencies from requests by project stakeholders for new work, there is a risk that increases in the project's scope could increase the project's cost. Already, Office of Compliance inspectors have identified several items they would like AOC to change, even though the items comply with the construction contract and are not in violation of applicable building codes.

In July 2005, we reported that a number of pavers were damaged.[5] At the last hearing, we reported that damage to pavers on the East Front plaza had not been repaired and that AOC had determined that substantial rework of the plaza may be required.[6] According to AOC's independent consultant, problems in addition to the chipped pavers that may need to be corrected include inadequate drainage, improper materials for the pavers' setting bed, and a lack of adequate expansion joints. Also, according to AOC, repairing these deficiencies would require significant effort and at

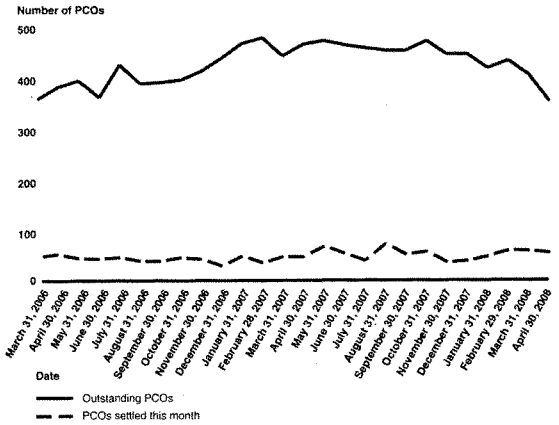
[5]GAO, *Capitol Visitor Center: Update on Status of Project's Schedule and Cost*, GAO-05-910T (Washington, D.C.: July 14, 2005).

[6]GAO-08-677T.

this time, there is no reliable estimate of when repairs will be complete. AOC is discussing these issues with the independent consultant and the plaza designer but has not yet determined how much the rework will cost and who will pay for it.

Each month, the CVC team continues to identify proposed change orders. AOC and its contractors have continued to work together to reduce the number of open (outstanding) proposed change orders, and the number of open orders has declined since our last statement. Sustained attention to this issue is, however, needed to reduce uncertainty about the project's costs. Figure 1 compares the number of outstanding proposed change orders with the number settled each month.

Figure 1: Outstanding and Settled Proposed Change Orders by Month, March 2006 through April 2008



Source: AOC's construction management contractor.

AOC's Cost Estimate Remains the Same, and Additional Funds Will Be Needed

AOC's current estimate of the cost to complete the CVC project's construction, first reported in September 2007, remains about $621 million. We believe this estimate is realistic and contains a sufficient allowance for contingencies, provided there are no unexpected delays over the next 2 months, when construction is scheduled to be complete. To date, about $569.5 million has been approved for CVC construction, and AOC has $16.2 million more in fiscal year 2008 CVC appropriations that it plans to use for construction after it obtains congressional approval to obligate these funds.[7] In addition, AOC has estimated that it will still need an additional $2.6 million in fiscal year 2008 to fund CVC construction. Furthermore, AOC has requested $31.1 million in fiscal year 2009 funds for CVC construction. Given its current cost-to-complete estimate, AOC may need an additional $2 million in fiscal year 2009 to complete the project.

Madam Chair, this completes my prepared statement. I would be pleased to answer any questions that you or Members of the Subcommittee may have.

Contacts and Acknowledgments

For further information about this testimony, please contact Terrell Dorn on (202) 512-6923 or dornt@gao.gov. Other key contributors to this testimony include Shirley Abel, Michael Armes, Lindsay Bach, Maria Edelstein, Elizabeth Eisenstadt, Jeanette Franzel, Jackie Hamilton, Kara Patton, and Joshua Ormond.

[7]For fiscal year 2008, AOC received $28,753,000 (before rescission) in appropriations for the CVC project. Pub. L. No. 110-161. Of that amount, AOC is allowed, but not required, to use up to $8.5 million for operations. AOC is currently planning to use the $8.5 million for operations.

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PRE-INSPECTION PROCESS

Ms. WASSERMAN SCHULTZ. Thank you very much, Mr. Dorn. I appreciate all the panelists' input. Mr. Dorn, I actually want to ask you and Mr. Ungar about the issue you just talked about related to the OOC's pre-inspection process. Are you finding examples of where the OOC is asking for changes that are not required by regulations or code but that maybe they would like to see?

Mr. UNGAR. Yes, Madam Chair. There have been a few instances in which the Office of Compliance has asked us to consider making non-code required changes. What we are doing in each one of those cases is to clearly distinguish between code required and suggested items. We are considering each one of those on a case by case basis, and making a judgment as to whether it would be something that we feel is a reasonable change to make.

Ms. WASSERMAN SCHULTZ. Okay. And in terms of prioritizing, you are obviously prioritizing the code required changes——

Mr. UNGAR. Absolutely.

CODE REQUIREMENTS—DISAGREEMENTS

Ms. WASSERMAN SCHULTZ [continuing]. Over those. And are there any issues that are being raised by the OOC that you anticipate would delay the opening?

Mr. UNGAR. Not at this point, Madam Chair. I think there may be an issue or two we have a disagreement on, but we are in the process of working through those. But at this point I do not see anything that would affect the opening.

Ms. WASSERMAN SCHULTZ. Are those disagreements code required disagreements or not?

Mr. UNGAR. That is one of the disagreements, whether a particular item is code required. It has to do with the force with which it takes to open certain doors that would be an ADA requirement. There is discussions between us, as to exactly what the requirements are.

Ms. WASSERMAN SCHULTZ. Okay. Mr. Dorn, do you want to comment?

Mr. DORN. I think Bernie covered that, that there are several items that are not code required. And I have had discussions with the Office of Compliance over the past week about the need to work with the inspectors and make sure that they clearly stress the point of what is a requirement and what is a suggestion.

Ms. WASSERMAN SCHULTZ. Okay. This is something that obviously concerns me. I would assume it would concern Mr. Latham, too. We do want to make sure that we open the safest possible Capitol Visitor Center, but we also want to make sure that we not nitpick to such an extent that we add on things that are going to potentially delay the opening. I mean if they are nice-to-haves, if they are things that we maybe should do or could do to improve safety and improve the experience of the visitors that come through, then that is fine. But if those are also things that could be done post-opening, or that could be considered post-opening, then we need to make sure that we inject some sense into this process.

Mr. UNGAR. Madam Chair, I think the Office of Compliance is quite aware of that, and they have told us multiple times that they will work very hard with us to avoid anything that would adversely affect the opening.

BUSING CONCERNS

Ms. WASSERMAN SCHULTZ. Okay. I think, Mr. Latham, for the June oversight hearing we will have the OOC come to the hearing and we can ask them some questions and just get their feedback. Just so we can make sure that everybody is on the same page.

I want to skip to the busing issue. At the public witness hearing that we had in the subcommittee we heard from two different entities on the real concerns that there are about the drop-off process. And you know, Chief Morse is not here today, and was not expected to be here, but Easter Seals raised the issue of the difficulty that they have in getting people with disabilities now to the Capitol and around the Capitol complex in this security environment.

How do we anticipate getting people with disabilities to the CVC in terms of it being very different for someone with a disability to be even dropped off at the West Front and try to get them to the CVC entrance? Whoever feels comfortable answering.

Ms. ROUSE. Madam Chair, as it stands now we are going to—I guess we could use the map that we have—we are going to follow what has been the practice, and hopefully in the next fiscal year be able to augment it with additional vehicles. We have a shuttle system that the Guide Service has been running for some time which takes people from the West Front, which is where people primarily get on.

Ms. WASSERMAN SCHULTZ. If you could make it a little closer to us, that would be great. Not you, but someone. Thank you very much.

Ms. ROUSE. I am sure Mr. Ayers will augment anything I have to say. People typically are dropped off where you will see a 7 minute wait time. 70 percent of the people who come to the Capitol are coming on tour buses. They are typically dropped there. Usually waiting for them are small, adapted golf carts, if you will, that if someone identifies that they have difficulty walking we simply transport them around to the East Front. In this case it will be the CVC. It would be wonderful to be able to add to that fleet of vehicles so we can transport people.

GOLF CARTS

Ms. WASSERMAN SCHULTZ. How many do you have now?

Ms. ROUSE. I think there are about six adaptive——

Mr. AYERS. That is correct.

Ms. ROUSE. Six golf carts that have been retrofitted a little bit.

Ms. WASSERMAN SCHULTZ. Are those golf carts that can accommodate a disabled person?

Ms. ROUSE. Yes. Someone with wheelchair capacity. We need something that probably is more fitting for that job. It runs them on the West Front up to the CVC, and it can run them back as well. So adding to that fleet would probably be an ideal thing to do to be able to accommodate that. We also need to be able to directly communicate with people about what the needs are and be

able to deal with it. Our Visitor Assistants will be there waiting for them. So we will be able to address almost anyone's needs as they are coming off their buses or as they are arriving. However, having additional vehicles would be of some help.

Ms. WASSERMAN SCHULTZ. Golf carts do not have seat belts. And beyond not having seat belts there are varying degrees of disability. And some people have a very compromised physical situation and other people have a much easier time. So I just cannot imagine that golf carts are the solution to moving people with disabilities around to the CVC.

Ms. ROUSE. What we will provide for you at the next hearing, we will try to come up with examples of better types of equipment being used to manage people who have those difficulties. Once someone gets into the CVC, of course, we have wheelchairs, and we will be able to accommodate motorized vehicles.

Ms. WASSERMAN SCHULTZ. My time has expired, but Mr. Latham, since I know you are interested in the bus issue too, I wanted to cover the pre-inspections that they suggested last time, so maybe you can cover that in your 5 minutes.

TOURIST TRANSPORTATION AND INCLEMENT WEATHER

Mr. LATHAM. Well, thank you. You know, this is fine on a nice pleasant day in May. I am just wondering about what to do in the middle of a torrential rainstorm, or when it is zero outside and you are loading people on golf carts or making them do a 7-minute walk up around the Capitol, outside. I would hope that there would be some better solution to all this. I just have real concerns about it. The whole idea of this is to have access to the Capitol. Obviously, the security situation has changed since the original concept. But it is still very problematic as far as I am concerned.

Not to digress, but I am going to. Ms. Rouse, in your opening statement you talked about making people more politically active and encouraging them then to go home and write letters to their Congressmen—is that the purpose of the CVC?

CVC MISSION

Ms. ROUSE. The purpose of the CVC is many things. One of the educational objectives is to try to engage people to be inspired. So we hope once they go through on a tour or go through the exhibition that it will make them be inspired to really be engaged with what goes on in their environment. So that is the subtext of it. It is just an educational awareness. We are not trying to throw books at them or engage them in any political party activity. We want them to be engaged in their own world.

Mr. LATHAM. Okay. You are talking about their going home and being politically active.

Ms. WASSERMAN SCHULTZ. She said civically active.

Ms. ROUSE. Civic activity.

Mr. LATHAM. Okay. I just have concerns that maybe we are digressing from the purpose of the Visitors Center here a little bit. And that can be of concern to anyone around here if you can be influenced one way or another, which is not good. We get enough letters. I am sorry.

Ms. WASSERMAN SCHULTZ. He said it, not me.

Mr. LATHAM. I love the letters, actually.

OOC REQUIREMENTS—NON-CODE

Can you be more specific? What kind of noncode requests are you talking about from the OOC?

Mr. UNGAR. One example are some of the handrails in the CVC. The Office of Compliance asked us to consider turning the ends in toward the wall so they would not stick out in a straight manner. In the emergency exit stairs, they are turned in toward the wall so nobody snags a coat or something else on there. It is code required. In the more decorative stairways it is not. They have asked us to consider turning these in. What we have decided to do is look at those, case by case, and if it makes sense to do that we will do it.

Another example has to do with railings, handrails in our Exhibition Gallery. OOC has asked us to consider adding a couple near where visitors would sit. We have decided that was a worthwhile suggestion. We are going to go ahead and do that one.

PAVER COST ESTIMATES

Mr. LATHAM. Okay. Mr. Ayers, on the pavers issue again, I would like to know: What was the initial cost estimate, how much time was spent as far as installation of those, and is there an estimate of the costs as far as what it is going to take to resolve this? Also, is there enough—enough money in the budget for contingencies? If you could for my benefit let me know how long this is going to take and what it is going to cost.

Mr. AYERS. Yes, sir, I would be happy to do that. We have a report that is due to this committee on the 30th. I will be sure to include those things in that report if that is okay.

Mr. LATHAM. What did it cost initially? Do you know?

Mr. AYERS. I do not know. Mr. Ungar, do you know?

Mr. UNGAR. It was a little over $3 million, best I can recall, to initially install. It was not done all at once. We did a portion of it for the inauguration, and we did the remaining parts in segments. So it took a period of years, but it was not starting on one day, continuously worked on for the whole period.

I do want to mention, that I do not think, and I have not had a chance to talk to Mr. Ayers about this but I really do not believe we are going to be able to have a complete plan, as you asked for, by May 30th, because we are still sorting through the design issues and options. It will probably be a little bit beyond that time before we can put something together on that. Even after we come up with our proposal, I think we are still going to have to discuss our proposal with you all and other congressional stakeholders to see if everybody is in agreement with what we would propose to do and the timing. We do have sufficient funds in contingency for the replacement.

PERIMETER FENCES

Mr. LATHAM. I assume the fences are going to stay up until that is completed?

Mr. UNGAR. That is another issue. I think in terms of the entire perimeter fence from a construction point of view, that probably could come down in the August time period, maybe early September, other than around certain portions of the plaza that we might be working on. That decision involves more than a construction question. I think there is Capitol Police interest there and maybe some other interests. So that is a bit of an open item at this point.

Mr. LATHAM. Okay. How are we doing on time?

Ms. WASSERMAN SCHULTZ. You are a minute and a half over. I was being generous.

Mr. LATHAM. Go ahead.

Ms. WASSERMAN SCHULTZ. Thanks so much. Ms. Lee.

CVC OPENING TIMEFRAME

Ms. LEE. Thank you. Let me see if there is anything resolved yet on the opening of the CVC, especially as it relates to receiving visitors. Is it still December, or do we know yet, or how are we working that through?

Ms. ROUSE. Good morning. We do not know yet. It is still going to be up to Congress to decide. We do have some varying questions about when to open. The CVC team is proposing that a good opening would be mid-November to the end of December time period, which would allow us to have readiness in various areas of the operation. So that is the general idea that we are planning for.

My colleagues are going to provide the building with a Certificate of Occupancy, which will allow us to move into the facility. It is now we must plan the timing for when best to open. We also know our colleagues down the Hill at the National Museum of American History will be opening in approximately the same time period, between November and December of this year. So we would like to not compete with them, if at all possible. The one challenge we have for visiting the Capitol is that we want to, as part of our public awareness campaign, make sure that the etiquette of visiting the Capitol is very much in people's minds, because it is not like visiting a museum; you are visiting the U.S. Capitol. So there are slight differences such as the size of your backpack, you cannot bring food, you cannot bring water. There are other considerations which go to the working nature of our building. So that is the summation of that issue.

DIVERSITY OUTREACH EFFORTS

Ms. LEE. Good. And let me commend you also for your reaching out to really a wide and diverse array of organizations, caucuses, and individuals as it relates to your hiring. And of course training comes after that in terms of diversity training, what have you. And I am curious about some aspects of your training program, such as training tour guides in the history of the building of the Capitol with slave labor. How is that going to be taught and some of the other historical facts that really, you know, have not been part of American history? How do you envision that happening?

Ms. ROUSE. Our plan is we will be training staff, our CHIP program for congressional staff, as well as our guides. We are taking what is academically referred to as a holistic perspective on train-

ing. The diversity of the country is what it is. So we want to make sure that all of the people who visit are welcomed, and everyone understands who they are and they can respond to them accordingly.

The issue of how the Capitol was built, the labor involved in it, being able to articulate that clearly goes to people's greater understanding of the structure and the magnitude of it. It also goes to the issue of how the country has been continuing to change. I think it is a great story of how labor has become such the master of the complex. So we will continue to do that. If I get my way, I will get a chance to do programming about contemporary construction. That is our goal.

Ms. LEE. Good. And finally—is my time?

Ms. WASSERMAN SCHULTZ. You are fine.

WOMEN-OWNED AND SMALL BUSINESS OUTREACH EFFORTS

Ms. LEE. Okay. On the outreach and minority and women-owned business, small business hiring, I mean procurement efforts, contracting, retailing, how is that going? And we received a report back yet on the numbers?

Ms. ROUSE. No, you have not received a report back yet. And we are working on that. I did talk directly to my staff person who is procuring for the gift shop. We are going to seek to reach and get vendors from every State to make sure we have nationwide impact so we can reflect that within the store. The themes of the stores are "We The People," so we want to reflect the people in our stores. We also will be able to hopefully continue to work with our colleagues at the Capitol Historical Society to make sure that their products and people are aware of what will be there. We hope to have for you by the next hearing a report on that.

Ms. LEE. Good. And can you notify Members of Congress so they can notify their small businesses who may or may not be interested, women-owned businesses, in participating?

Ms. ROUSE. We can do that.

Ms. LEE. Okay. Thank you very much. Thank you, Madam Chair.

Ms. WASSERMAN SCHULTZ. Thank you, Ms. Lee.

Mr. Bonner.

Mr. BONNER. Thank you, Madam Chair. You have been on TV a lot this week. I have been enjoying seeing my chairwoman all over the TV tube.

Let's see, Ms. Rouse.

Ms. ROUSE. Yes, sir.

AUDIENCE PARTICIPATION—SOFT OPENING

Mr. BONNER. Could you tell us what type of audience you plan to invite to participate in the test and adjust period of the CVC? And I am late, so if this question has already been posed to you I will retract it.

Ms. ROUSE. No, I can tell you what we proposed, and I thank you for asking the question. Even though it has not been finally decided, we had thought of doing so in the month of October or even late September, we will still be moving statues in and invite people who are forgiving, if you will, of watching a production come on line. That would be Senate staff and their families, House staff and

families, the Library of Congress staff and their families, people who are members of Capitol Hill who could come in and get an inside view of it. We would not until, of course Congress approves it, begin to invite people who are outside the family. Hopefully that would be later on, perhaps in November. But initially it would be members of the Hill.

Mr. BONNER. Possibly some of the wounded military personnel——

Ms. ROUSE. Absolutely.

Mr. BONNER [continuing]. From the hospitals?

Ms. ROUSE. Absolutely.

Mr. BONNER. And then what kind of public awareness activities do you have planned?

Ms. ROUSE. We have a variety of things planned, which of course are awaiting approval by our oversight committees. Some of it is just direct public awareness. We need to let people know what the etiquette is coming to the U.S. Capitol. We need to let people know how, if they choose to do a tour and a guided tour, how you use our Advanced Reservation System or the telephone numbers. A simple thing we have to tell people is where the Capitol Visitor Center is. Oddly enough, it is under street level. So people need to know what to look for.

A secondary part of it for the school groups and the bus groups that need to register in advance, we need to let them know that we need you to register so we can get back to you in the event there are changes. Ultimately, we want school groups K through 12 to have preparation in advance so our Web site can go online with curriculum tie-in material for each State. I do not think I will have that for opening per se, but that is the goal by the middle of next year.

CVC VISITOR PROHIBITIONS

Mr. BONNER. And for instance, by contrast when visitors go down to the White House they cannot take cameras, they cannot take backpacks or umbrellas or things like that. Will there be similar types of prohibitions coming into the Visitor Center?

Ms. ROUSE. Yes. The prohibitions are the same as they currently are for the Capitol will be unless something changes by the Capitol Police. Of course you can bring a camera if you like, but a small backpack, not a large backpack. No food, no water, which is part of the reason why we will have restaurants. Even small things like, perfume is too much liquid. What I do not want is for people to arrive at our door, too many people to arrive at our door and we have to have big bins out front where people are having to throw things away.

Even the airports have gotten much better at informing people of what to expect when they go to the airport. We want to reach that level of penetration so people understand what they need and what the etiquette is for the building.

Mr. BONNER. And will they not be able to bring water in, for instance, because of a security issue or because there are vendors selling it on-site?

Ms. ROUSE. It is the standard practice now that if you are an outsider, not staff, if you are an outsider you cannot bring food and

water into the Capitol. So we are simply following that practice. But we have bottled water inside and we have water fountains inside. So that will not be an issue for anybody. Food they will have to purchase on site. They also will not be able to take it outside of the restaurant.

Mr. BONNER. Okay. Great. Let me shift gears real quick like to the GAO.

CVC SMOKE CONTROL SYSTEM

Mr. Dorn, in your submitted testimony you mentioned that there have been some difficulties in testing the smoke exhaust system and fire alarm. What type of problems are we talking about? And could you anticipate that these problems would delay the Certificate of Occupancy?

Mr. DORN. First, no, we do not anticipate that it would delay the Certificate of Occupancy. But for the details, Bernie Ungar could probably do the best description.

Mr. BONNER. Okay. And again forgive me if this question has already been posed, because I did come in late.

Mr. UNGAR. No, it has not been asked yet, sir. A recent example is today we are winding up the first segment of our testing of the CVC smoke control system. One of the problems we have encountered is that there are certain areas, relatively small areas within the facility, where we have not been able to achieve the air pressure that we need for certain situations if we have to go into a smoke control mode. What we are doing to address those issues is getting with our engineers to come up with some solutions. We do not think there are major problems at this point. If we have to make a change, we will do that. We will then work with the Fire Marshal to retest the system.

Mr. BONNER. Okay. Thank you, Madam Chair.

Ms. WASSERMAN SCHULTZ. You are welcome, Mr. Bonner. Thank you very much. I guess we are back to me now. I have three questions that I would like to get done in my 5 minutes.

CVC WEB SITE AND ADVANCE RESERVATION SYSTEM

Ms. Rouse, on the CVC Web site we had an opportunity to follow up since the last CVC hearing. And I think you and I have a clearer understanding of the direction that I think the Web site should go in terms of accommodating Members who wish to give staff-led tours and have their constituents get direct access right to their scheduling process.

Can you talk about the evolution of the Web site and where you are in terms of making sure that there is a button that can be clicked on that says, "book a tour with your Representative or with your Senator?"

Ms. ROUSE. I certainly can. And there will be a button that says that.

Ms. WASSERMAN SCHULTZ. Hallelujah.

Ms. ROUSE. From our discussions, and it did provide the staff an opportunity to better articulate what we are doing, on each Member's Web site there will be a button to allow them to manage the Advance Reservation System. They can customize it to whatever their needs might be, if it is something they want to do or some-

thing they do not want to do. Or they can change it at any moment, they will be able to do that. We are hoping through the month of July to be actually testing our Advance Reservation System.

Ms. WASSERMAN SCHULTZ. It will be on the Member's Web site. Will it also be on the CVC's Web site?

Ms. ROUSE. Absolutely, yes. We have a Webmaster who will be helping us with that and for everybody, all 540 Members' offices and their district offices. We are buying licenses for all of them so we will be able to bring that on line. We will test in the month of July and get feedback from a limited group of people on such things as the buttons and the function. In September, we will be setting up the allocations. In this we will be asking Members what it is that they would like to do. We will customize it to their needs. With a little help we will be beta testing September 22nd to October 3rd. Visitor Services will do the beta testing for us. People will begin booking through them. Then we will do similar testing for part of October with Member offices. The feedback we get with that will allow us to make any adjustments and customizing further. We will then go live as Congress gives us permission to do so.

So hopefully, by early October we will have a pretty good feel for it. The nice thing about Web sites and Webmasters is you can keep adjusting.

Ms. WASSERMAN SCHULTZ. Thank you very much, and I appreciate the work that you have been doing on that. It took a while, but I am glad to see that we made that progress.

BUS PRE-INSPECTION OPTION

Just back to the busing issue. Also at the public witness hearing it was suggested by the National Tour Association that they would like to work with the Capitol Police and with the AOC on the possibility of pre-inspecting buses, making sure that the buses that come through drop off their luggage and all their belongings at the hotels before they come for their tour of the CVC and for their drop-off, and that the buses go through a pre-inspection process.

Is that something that is being pursued? Are we actually evolving the transportation plan here? Because this is, I think, the third CVC oversight hearing we have had in which we have had this conversation, and I just keep seeing this map. And I feel like nothing has changed from the initial plan. And we have expressed enough concern that I think we all would like to see some changes made. So what is your process that is designed to make sure that we can evolve the plan to make it more workable for anywhere from constituents who are not disabled to constituents with disabilities?

Ms. ROUSE. Madam chair, I guess our best response to that is that we are going to continue to meet. We have been convening on the transportation issue. We have not convened on it for the last month or so because the Capitol Police have been discussing this on a hearing level. I suspect what we will need to do is go back and convene again on where we are on this issue. It is the responsibility of the Capitol Visitor Center to report on that, because we are communicating to the public what their options are. It will be up to the Capitol Police to see what it is that they are going to allow to happen.

Ms. WASSERMAN SCHULTZ. Maybe we can make sure that this does not take as long as the Web site did.

Ms. ROUSE. We will try.

CHANGE ORDERS AND MULTIPLE PUNCHLIST ITEMS

Ms. WASSERMAN SCHULTZ. That would be good. We want to make sure we accommodate the needs of all people who visit the CVC.

Change orders and the punchlist. Obviously, from when Ms. McCollum raised the issue of there being 14,000 items on the punchlist initially, and now we are down to 7,000, that is great, but I know there are multiple punchlists. And I do not really understand how we are whittling down the items on some of these separate punchlists. It seems like there are these specialty punchlists. How are we prioritizing the winnowing down of the items on those? And what is the progress being made? Because I know in the report that we get I am seeing the main punchlist numbers, but not all of them.

Mr. AYERS. That is true, you are seeing the main punchlist. I think today we are down to 6,100, which is about 2,000 fewer since our last hearing as I noted. There are a handful of other specialty lists. For example, we have a specialty list that has 20 or 30 items on it with our technical security contractor. We have a list from the Office of Compliance that probably has 100 items on it, most of which I think are complete. There may be a dozen or so open items on that list.

Anything you would like to add to that, Mr. Ungar?

Mr. UNGAR. Yes, ma'am, there are basically only three specialty lists, as you call it. They are special for a particular reason. They are higher priority items than the general items: security, fire alarm, and basic life-safety for example. That is why they are separate. They are maintained for different reasons, different purposes.

Ms. WASSERMAN SCHULTZ. Are you comfortable with the pace of the progress on those lists?

Mr. UNGAR. At this point, yes, ma'am.

Ms. WASSERMAN SCHULTZ. Okay.

Mr. UNGAR. They are separate because we want to give them priority attention.

Ms. WASSERMAN SCHULTZ. Mr. Dorn, do you have any concerns about the progress that is being made on some of these separate lists or the punchlist overall?

Mr. DORN. Not on the progress being made. I think they are all working towards that. One thing to recognize also in this area is that not all punchlist items are created equally, of course. Some of them are, as we discussed at earlier hearings, easy to take care of, and others—I mean the list with a dozen items—might be the hardest list that you have got.

Ms. WASSERMAN SCHULTZ. Right.

Mr. DORN. So I do think it is important that these other people keep AOC informed of what their concerns are so that AOC again can merge the corrections and make sure that we are not correcting one thing and then tearing it out because another list had a different concern about the same item.

Ms. WASSERMAN SCHULTZ. Yes, Mr. Ungar.

Mr. UNGAR. If I can just add, I do not think that is going to be a problem. All of these specialty lists are really under the leadership of Doug Jacobs. He is aware of every single item that is on there. He is feverishly working to make sure that the type of situation that Mr. Dorn raised does not happen. Just adding these to the bigger list is not really the solution. Mr. Jacobs keeps on top of that.

Ms. WASSERMAN SCHULTZ. I was not suggesting he do that. I was just wanted to make sure that since this is an oversight hearing we ask about all the balls that are in air right now. Thank you for your indulgence.

Mr. Latham.

LOC TUNNEL UPDATE

Mr. LATHAM. Thank you. Mr. Ayers, I wanted to ask about the Library of Congress tunnel progress. I understand that there have been some leakage problems, pretty significant. What is the status of that? And is there enough money to fix the problem, if in fact there is the leakage problem?

Mr. AYERS. We have experienced some leaks in the Library of Congress tunnel. We do think, ultimately, that they are manageable. We are working now to fix many of those from the top level. One of the problems we found was that the construction above is not complete, and thereby we have some drainage problems above that is forcing water into the tunnel. We are comfortable we are able to fix those problems.

Mr. LATHAM. How much water?

Mr. AYERS. Well, initially we had numerous leaks. And we have had a variety of repair techniques, I would say 80 to 90 percent of which have been effective. We have maybe 10 percent of those that remain to be problems for us. I do not think it is—from my perspective, it is not a significant issue.

Mr. LATHAM. Is there enough money, within the 10 million limitation?

Mr. AYERS. We are very confident we will be within that $10 million limitation.

CVC LEAKAGE PROBLEMS

Mr. LATHAM. Okay. Just one final question on the CVC in its entirety. We have had an awful lot of rain this spring. Are there leaks elsewhere in the CVC or any other significant problems?

Mr. AYERS. There are no significant problems. We have had minor leaks throughout the facility over the course of the last year or two, most of which have been fixed already.

Mr. LATHAM. Where?

Mr. AYERS. The House connector tunnel is one area. Certainly along some of the perimeter walls have been some other areas. Those are the only ones that I recall. Mr. Ungar, do you recall others?

Mr. UNGAR. There have been a few others, sir. For example, in one of the meeting rooms. We try to address those, obviously, as soon as we identify them. We have got basically a list of areas in which we have leaks. And Mr. Jacobs, again, is going to be working with our architect to figure out the best way to address them. Some

of them are a little more complicated than others. But we are waiting to get together with all the appropriate folks to figure out what the best steps are to address the ones that we continue to have.

Mr. LATHAM. Okay. Thank you.

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

Ms. Lee.

TRANSPORTATION COST—VISITOR OPTIONS

Ms. LEE. Okay, let me go back to the question of Capitol Police and transportation, what have you. I remember last time we talked a little bit about the cost of transportation from Union Station to the Visitor Center. Was it a dollar? You guys still talking about that?

Ms. ROUSE. What we were doing with our convening is trying to make sure that we had a mechanism to tell all the public what their options were to get from Union Station to the Capitol, if that was an option that they were going to exercise. You can see from the map there that it is about four blocks, or about an 11-minute walk. If someone opted to take the Circulator bus, it would be a dollar. That Circulator bus, and its stop is right in front of the CVC, would also take them down to the stadium. So it is really serving this part of Washington, DC.

Ms. LEE. But you know what, the only problem is that may be the only option. It is great to be able to have options and give people their options, but what if that is the only option? So if you are relegated to that you become victimized and discriminated against really because you have selected that option because you could not handle the other options for whatever reason. And so I am still a little worried about that.

Ms. ROUSE. Yes, ma'am. I think probably one of our tasks will be with the CVC and AOC, is to communicate again with the Capitol Police and try to articulate better what it is that the options will be for people if they happen to be coming from Union Station and they cannot use the Circulator bus.

Ms. LEE. Are we going to ask the Capitol Police to come and kind of talk that through with us, Madam Chair, or is that something——

Ms. WASSERMAN SCHULTZ. They were here at the last meeting.

Ms. LEE. Yeah.

Ms. WASSERMAN SCHULTZ. We certainly can have them come back.

Ms. LEE. After you all have your discussions maybe?

BUS OPTIONS

Ms. WASSERMAN SCHULTZ. I think you really need to sit down with all the parties that are involved in the development of this bus plan and come back to us with some answers. Because we have continued to ask questions and we are still in the same place.

Ms. LEE. Yeah. And I do not know if that is—is that a financial issue, or is this something that is being driven by the Visitors Center or by the city with regard to the charge of the $1?

Ms. ROUSE. The Capitol Visitor Center, our job is just to report on how people can get there. The Circulator bus, it is a city bus,

and this is their mechanism. They added one stop in front of the CVC to accommodate the increased visitorship.

Ms. WASSERMAN SCHULTZ. Would the gentlewoman yield?

Ms. LEE. Yes.

Ms. WASSERMAN SCHULTZ. I am on the Financial Services Appropriations Subcommittee, and when we considered DC's budget, Mayor Fenty was there, and the only question I asked him was about the Circulator buses, and the charge of $1, and their size, and the fact that they do not really fit more than 40 people. And he is supposed to get back to us on some of our concerns. But really everybody needs to sit down and come back to us. So maybe we will have them come back at the next hearing.

Ms. LEE. Come back. Okay. Thank you very much. Because that is still looming out there, and I would like to see it resolved.

Ms. WASSERMAN SCHULTZ. Yes, ma'am.

Ms. ROUSE. Mr. Bonner.

CVC SIGNAGE—CONTACTING MEMBERS

Mr. BONNER. Yes, ma'am, thank you. A couple more quick questions. When I was an intern it seems like in 1881, it was actually 1981, the signage in the Capitol complex was atrocious. You did not know whether you were in the Rayburn Building or the Cannon Building unless you knew your way around. And I must say that in recent years the signage has improved considerably.

That said, hoping that millions of people come to the CVC as their gateway to the Capitol, what methodology do you anticipate there being when a visitor does not call one of their Members or Senators in advance and they just show up in the CVC in terms of them knowing how to get in touch with their Member or their Senators if that is something that they would like to do, hopefully to tell us we are doing a good job, obviously, not a bad job.

Mr. AYERS. I can respond to that, and thank you for your comments on the signage throughout the Capitol complex. We have invested a great deal of time, and the Congress has supported that effort with significant funds in recent years. It is really looking up, I agree with you. When a visitor comes into the Visitor Center, of course, they can inquire at one of the information desks about who their Member is and, where their Member's office is located. But in addition, in the exhibits in the Exhibition Hall a member of the public can look up their Member and look up where their Member's office is located, and from there begin a journey to their office.

CAPITOL MAP

Mr. BONNER. Might I suggest, and I have not precleared this with the chairwoman or anyone else, this is just off the top of my head, which is sometimes dangerous, but when I started here in 1981 as an intern, there was a police officer, and he is still here today, and he used to keep a pad with a map of the Capitol grounds on it. It seems to me if you had some way to amplify that concept so that if at the visitor's desk they come in and want to see Congressman Latham, or they don't even know who their Congressman is, if they can get a pad while in the complex, and that way they can write down that he is in Room 345 in the Cannon Building and the two Senators from their State are in the Russell

Building and the Dirksen Building, just something that a person can have with them that has also a general layout of the House office buildings and the Senate office buildings. Just a suggestion.

Mr. AYERS. Great idea. In fact, I have a pad of that Capitol complex myself in my desk drawer, and I use it regularly with visitors as well. Great idea.

Mr. BONNER. Two other quick questions.

LANGUAGES—AVAILABILITY TO CVC VISITORS

Number one, we oftentimes when we are talking about the buses or whatever, we are thinking about our constituents that we know will be coming here. But how many different languages will be available for visitors from around the world who will come here, and what method will they have access to understand the history of our country and the building?

Ms. ROUSE. I can answer that. Initially there will be Spanish, German, French, Japanese, and Chinese language material available for people doing the tour, conventional tour guides. Also in the Exhibition Hall in the CVC, those five languages will also be on audio heads. I hope as time goes on and as our Visitor Center guides come on, we will be able to have them have that language capability as well.

I don't think that we will have it tied down by the time we open, but as years go on, we will be able to offer a tour in Spanish or German because we have that need among our visitors.

Mr. BONNER. Will we be monitoring to see if we need to expand the languages?

Ms. ROUSE. Yes, evaluation will be a key component of what we will be doing in the Visitor Center. We need to know what people are getting or not getting, and we will be able to report back on that.

CVC STATUES—SITE DESIGNATION

Mr. BONNER. One more quick question. Have all of the sites for the statues in the CVC been designated yet? And if not, who do we talk to if we are interested in a statue of our distinguished chairwoman or some other famous American?

Mr. AYERS. We have put together a statue relocation plan both for statues to move to the Visitor Center as well as the resulting shuffle that will obviously take place within the Capitol Building. We have forwarded our recommendations to the Joint Committee on the Library, which has oversight over that matter.

Mr. BONNER. Well, Helen Keller, Alabama, she will be coming here in a few of months, and I certainly hope she has a prominent place.

Thank you, Madam Chair.

Ms. LEE. On the languages, how did you come up with those five languages? Are these the most common languages spoken in the world or what was the process to make the decision?

Ms. ROUSE. That predated me, but I suspect it was probably based on demand that those five languages were picked. Spanish, German, French, Chinese, and Japanese. But we can investigate through sort of anecdotal comments through the guide service what

other languages are beginning to be on demand, and we will pass them on at the next meeting.

Ms. LEE. Thank you very much.

CR IMPACT ON CVC—CHAIR CLOSING REMARKS

Ms. WASSERMAN SCHULTZ. Ms. Rouse, as you know, we are facing a difficult fiscal environment. There are going to be a lot of challenges and difficult decisions we are going to have to make as legislators. You have requested a 58 percent increase in your operating funds for the CVC for fiscal year 2009. Given that we may not even have an appropriations bill that will pass by the beginning of the fiscal year, which is a concern that Mr. Latham has repeatedly expressed, I want to make sure that you are prepared to operate the CVC in a continuing resolution environment.

So by June 6, if the Architect of the Capitol could submit a plan for operating the CVC under a continuing resolution for the first half of fiscal year 2009, we would appreciate it because we think that you need to think that all of the way through. I know there are some important and grandiose plans for opening the CVC, much of which will not be possible in the event that we are in a CR for the first part of the year, so we want to make sure that you are ready. If you can do that by June 6, that would be great.

Thank you.

With that, this subcommittee stands in recess subject to the call of the chair.

Capitol Visitor Center Hearing
May 22, 2008
Rayburn 2359

Homework Question for the Record
Ms. Debbie Wasserman Schultz, Chair
Subcommittee on the Legislative Branch, Committee on Appropriations
U.S. House of Representatives

Ms. Rouse, as you know we are facing a difficult fiscal environment and one with many challenges for us as legislators. You are asking for a 58 percent increase in operating funds for the CVC for FY 2009, but there may not be an appropriations bill passed by the beginning of the fiscal year.

With that in mind, by June 6, I would like the Architect of the Capitol to submit a plan for operating the Capitol Visitor Center under a continuing resolution for the first half of the fiscal year.

Response. Although a six month Continuing Resolution (CR) will affect many aspects of the Capitol Visitor Center (CVC) operations, the AOC believes that we have identified methods to ensure that the CVC will open and operate in a successful manner. The AOC's FY 2008 request for payroll funding was based on lower staffing levels due to ramp up for the opening; thus, funding FY 2009 payroll during a CR is a significant challenge. The CVC operations staff must be at full strength prior to the beginning of the fiscal year. In order to meet the estimated operations ($2.3 million) and maintenance ($2.5 million) payroll for six months during a CR, the CVC plans to defer certain items, programs, and events, use current funds, and borrow funding from other sources.

The CVC will defer the following items, programs, and events until funding is available in the event of a CR:

- Operations
  - Education and public programs
  - After-hour events for Members
  - Exhibit evaluation and visitor feedback
  - Additional languages for exhibit assistance
  - Enhanced programming of information desk screens
  - Temporary exhibit cases to include artifacts related to the Lincoln exhibit commemorating the bicentennial of his birth
  - Conservation of and insurance on the temporary exhibits
  - Supplemental post-opening public awareness efforts
  - Exhibit design support costs

- Facility Maintenance
  - Hiring of certain positions
  - Final fit-out of maintenance shop space
  - Full purchase of necessary equipment

Please note that deferring these CVC operation and maintenance needs will jeopardize the ability to meet the core mission of informing, involving, and inspiring visitors while providing a welcoming, educational, safe, and comfortable environment for them to learn about Congress, the legislative process and the Capitol Building.

The AOC has also conducted a review of the no-year CVC operations funds to identify surpluses. Based on this review, we anticipate being able to defray certain FY 2009 administrative costs such as postage, office supplies, payroll processing fees, software licenses, training, and miscellaneous exhibit costs for the full year by using current funds. We will request reprogramming authority for these items. Funding is also currently available to initiate the Congressional Historical Interpretive Program (CHIP) to train Members' staff and new guides in FY 2008. This program will require additional funding in FY 2009. A CR will limit our ability to provide training to new staff during that time.

The above actions will still not enable the CVC to meet its payroll requirements for operations. We will need to provide additional funds. Therefore, we respectfully request the authorization to borrow $2.5 million in FY 2009 requested project claims' funding to apply to operational payroll. When we receive the FY 2009 operations funds, we will reimburse the CVC project. These project funds have been set aside for construction claims, but are not needed until later in FY 2009. If the Subcommittee will not consider this request, the AOC will need to request the transfer of prior year project funds from other appropriations to meet CVC payroll. This action would delay the projects for which these funds were allocated, but enable the CVC to attain an operational staffing level.

This analysis does not take into account the impact of the potential transfer of the Capitol Guide Service to the AOC. Preliminary meetings with the Capitol Guide Service have been held to discuss the funding consequences of the possible transfer. As of this writing, we are not yet able to accurately assess the impact of a CR on the Capitol Guide Service. When we complete our analysis, we will update the Subcommittee.

TUESDAY, JULY 8, 2008.

CAPITOL VISITOR CENTER

WITNESSES

STEPHEN T. AYERS, AIA, ACTING ARCHITECT OF THE CAPITOL
BERNARD UNGAR, CVC PROJECT EXECUTIVE, ARCHITECT OF THE CAPITOL
TERRIE S. ROUSE, CEO FOR VISITOR SERVICES FOR THE CAPITOL VISITOR CENTER, ARCHITECT OF THE CAPITOL
PHILLIP D. MORSE, SR., CHIEF OF POLICE, U.S. CAPITOL POLICE
TERRELL G. DORN, DIRECTOR, PHYSICAL INFRASTRUCTURE ISSUES, GOVERNMENT ACCOUNTABILITY OFFICE
PETER EVELETH, GENERAL COUNSEL, OFFICE OF COMPLIANCE

CHAIR OPENING REMARKS

Ms. WASSERMAN SCHULTZ. Good evening. I would like to call the meeting of the Legislative Branch Subcommittee of the House Committee on Appropriations to order.

This evening is our 12th oversight hearing on the Capitol Visitor Center, and I appreciate everybody accommodating the Members' schedule. We have had some adjustments to make in the legislative calendar, and I wanted to make sure, originally, that we would have this hearing prior to the originally scheduled Appropriations markup tomorrow; but we did not want to juggle the calendar again, so here we are.

We have an unusually large panel tonight, but we have a lot of ground to cover. And I wanted to make sure particularly that we have a final oversight hearing in July—not final as far as the work that we are doing, but I did want to make sure that we have an oversight hearing before the scheduled temporary certificate of occupancy so that we could make sure that we have as many boxes checked as possible.

So I don't want to speak very long. We have a lot of ground to cover, as I said. Primarily, the focus of this hearing will be the bus drop-off plan for visitors to the Capitol Visitors Center and our regular update on the progress of the Capitol Visitors Center.

We want to talk with you, Ms. Rouse, about the progress that you are making, and the implication of a CR, in the event that we are in one, as well as our usual questions for you about staff-led tours. And also cover the OOC questions that arose from the last hearing and the concerns that might be out there.

And, Chief Morse, we are also going to go over some of the bus transportation plans with you as well.

So, with that, Mr. Latham.

Mr. LATHAM. Just in the interests of time, welcome everyone, and I look forward to the testimony. Thank you.

Ms. WASSERMAN SCHULTZ. Great. Thank you.

We have joining us this evening Stephen Ayers, the Acting Architect of the Capitol; Bernie Ungar, the CVC Project Executive; Terry Dorn, the Director of Physical Infrastructure Issues at GAO; Terrie Rouse, CEO for Visitor Services at the CVC; Phillip Morse, Chief of the U.S. Capitol Police; and Peter Eveleth, General Counsel of the Office of Compliance.

Mr. Ayers, you are up first, and you can proceed with a summary of your 5-minute statement, and your statement will be entered into the record. Welcome.

OPENING STATEMENT—STEPHEN AYERS

Mr. AYERS. Thank you, Madam Chair, Congressman Latham, and members of the subcommittee. I am pleased to be here today to report on the progress that we have made to complete the CVC and prepare for its operation and opening later this year.

CONSTRUCTION UPDATE

As we have reported for the past several months, the comprehensive fire and life-safety testing continues on schedule, and we remain confident that we will receive a temporary certificate of occupancy by July 31st, as planned. We have also been working closely with the Office of Compliance to identify and resolve facility design and construction related issues well before the CVC opens to the public.

In February, the Office of Compliance and our project team launched a collaborative effort under which the Office of Compliance has been pre-inspecting various aspects of the CVC as they have been completed, informally bringing issues to our attention, and working with us to resolve those issues. We are pleased to report that, at this time, the Office of Compliance has looked at nearly all of the areas for which pre-inspections were planned prior to occupant move-in, and we are in agreement with the Office of Compliance on all deficiencies, and most have already been corrected.

Along with the ongoing fire alarm testing, we are completing minor construction in the East Front, the Library of Congress Tunnel, the Senate Atrium Stairs, and the Exterior Grounds. In the House Hearing Room, crews recently completed the carpet installation and will be completing the remaining work in July.

In addition, workers have been completing grout work between some of the 46,000 pieces of sandstone throughout the facility. Metal workers continue setting exterior bronze wall panels adjacent to the north and south entrance doors, and others are making adjustments to the bronze panels that line the escalator on the south side of Emancipation Hall.

On June 30th, we opened to pedestrians the East Front basement corridor, which connects the House and Senate wings of the Capitol Building. All of the testing and acceptance activities associated with the fire alarm system in this area were successfully completed. Outside, preparatory work along First Street on the Pepco vault was completed 2 weeks ahead of schedule, and crews are laying sod on the south egg, and are planting new trees and shrubs along the CVC entrance paths.

RELOCATION OF THE STATUE OF FREEDOM

In the Russell Building, we are preparing the plaster model of the Statue of Freedom for its move to the Capitol Visitor Center. In order to safely move the model and maintain public access through the basement rotunda, a scaffold has been erected around the model, which is enclosed by an 8-foot wall and plastic sheeting. Project activities in the Russell basement rotunda are expected to take 6 to 8 weeks, and the model is scheduled to be fully installed in the CVC by mid-October.

As of July 2nd, there were approximately 4,200 open items on our main punchlist. In May, 26 change orders were settled, and in June, 28 were settled.

PLAZA PAVER UPDATE

With regard to the plaza paver issue we discussed last month, we are continuing to review the matter in detail, but based on what we have learned, we have developed an action plan to begin repairs. We will begin work on the plaza in stages this August, and plan to complete the repairs in November. We will continue to assess the issues of liability over the next several months; however, we believe we have sufficient funds in hand for these repairs.

CVC OPENING PREPARATION

In preparation for the CVC's opening, in the Exhibition Hall audiovisual technicians continue testing monitors, interactive stations, and sound systems, as well as making adjustments to the lighting components. In addition, the six Capitol Square models have been installed, as well as most of the additional exhibit graphics.

Our Capitol Superintendent's Office is also continuing to hold relocation coordination meetings with future occupants to coordinate the delivery and installation of furniture to office suites. A preliminary schedule has been developed which incorporates the input and feedback from various offices that will be relocating to the CVC.

Madam Chair, as always, we appreciate the continued support of this subcommittee and the Congress as we work to ready the CVC for the public later this year. That concludes my statement, and I would be happy to answer any questions you may have.

Ms. WASSERMAN SCHULTZ. Thank you very much.

[Mr. Ayers' prepared statement follows:]

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

Regarding the Capitol Visitor Center Project

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

July 8, 2008

Madam Chair, Congressman Latham, and Members of the Subcommittee, I am pleased to be here today to report on the progress made to complete the Capitol Visitor Center (CVC), and prepare for its opening and operation later this year. Joining me today, as is the custom, are Mr. Bernie Ungar, CVC Project Executive, and Ms. Terrie Rouse, our Chief Executive Officer for Visitor Services.

As we have reported for the past several months, the comprehensive fire alarm and life-safety testing continues on schedule, and we remain confident that we will receive the temporary Certificate of Occupancy by July 31. We have been working closely with the Office of Compliance (OOC) to identify and resolve facility-design and construction-related issues well before the CVC opens to the public. In February, the OOC and our Project Team launched a collaborative effort under which the OOC has been pre-inspecting various aspects of the CVC as they have been completed, informally bringing issues to our attention, and working with us to resolve open issues.

We are pleased to report that, at this time, OOC has looked at nearly all the areas for which pre-inspections were planned prior to occupant move-in. Thus far, of the 118 issues OOC has identified, half have been fully resolved; 53 are in the process of being abated; and the remaining six are being discussed by OOC and the CVC Project Team to reach a satisfactory resolution. We expect to reach agreement with the OOC on the six issues shortly.

Along with the ongoing fire alarm testing, we are completing minor construction in the East Front, the Library of Congress tunnel, the Senate atrium stairs, and the exterior grounds. In the House Hearing Room, crews recently completed the carpet installation and will be completing the remaining minor work in July. In addition, workers have been completing grout work between some of the 46,000 pieces of sandstone that cover nearly 20,000 square feet of walls throughout the facility. Metal workers continue setting exterior bronze wall panels adjacent to the North and South entrance doors, and others are making adjustments to the bronze panels that line the escalator on the south side of Emancipation Hall.

Elsewhere in the Exhibition Hall, audio-visual technicians continue testing monitors, interactive stations, and sound systems, as well as making adjustments to the lighting components. In addition, installation of the six Capitol Square models began last week, as did the installation of additional exhibit graphics.

Last week, we also opened to pedestrians the East Front basement corridor which connects the House and Senate Wings. All of the testing and acceptance activities associated with the fire alarm system in this area were successfully completed. Over the next few months, we will be replacing ceiling panels in corridor areas outside the CVC's construction zone, and bringing the elevators there into service.

Outside, preparatory work along First Street on the Pepco vault was completed two weeks ahead of schedule, and crews are laying sod in the South Egg and preparing to plant new trees and shrubs along the CVC entrance paths.

In the Russell Senate Office Building, we are preparing the plaster model for the Statue of Freedom for its move to the CVC. In order to safely move the model and maintain public access through the Russell basement rotunda, a scaffold has been erected around the model which is enclosed by an eight-foot wall and plastic sheeting. Project activities in the Russell basement rotunda are expected to take six to eight weeks, and the model is scheduled to be fully installed in the CVC by mid-October.

As they have been doing since this spring, professional crews continue to clean most of the CVC's public spaces, and are working in areas of the House and Senate Expansion Spaces. Other crews continue to work to complete punchlist items such as millwork, wall stone, floor stone, grout, plaster work, carpeting, doors, paint, and other finishes.

As of June 27, there were approximately 4,475 open items on the main punchlist. We are also continuing to address various issues that have arisen, such as those associated with the equipment that operates the CVC's fountains and corrections are being made to some kitchen and restroom drains.

In anticipation of receipt of the temporary Certificate of Occupancy, the Capitol Superintendent's Office continues to hold relocation coordination meetings with future occupants, and coordinate the delivery and installation of furniture to office suites. A preliminary schedule is being developed, which incorporates the input and feedback from the various offices that will be relocating into the CVC.

With regard to the plaza paver issue we discussed in May, we are continuing to review the matter in comprehensive and technical detail, but based on what we have learned thus far, we have developed an action plan to begin repairs. While the specifics of the plan are procurement sensitive and cannot be discussed in a public hearing, I can say that we will begin work on the plaza in stages in August and plan to complete the repairs in November. We will continue to assess issues of liability over the next several months, however we believe that there is sufficient funding in the $621 million cost-to-complete estimate for repairs. We will continue to keep the Subcommittee and Congress apprised of our progress on this matter.

In May, 26 change orders were settled, and in June, 28 were settled. The magnitude of the change order proposals being received continues to diminish, with most new proposals coming in below $10,000. Gilbane and the CVC Project Team continue to focus their efforts on settling the largest outstanding change orders first and as quickly as possible.

In anticipation of the CVC's opening, Ms. Rouse and our team continue to work with Oversight Committees and Congressional leadership on plans for CVC's visitor services operations. She has several updates to share with the Subcommittee today.

Madam Chair, the Capitol Visitor Center was conceived as an extension of the Capitol, offering open access to all people in a safe and secure environment so that they may witness the workings of the legislative process. The CVC also will enhance the visitor experience by eliminating the long lines where tourists had to stand in the heat, the rain, or the cold; providing greater comfort and accessibility, including necessary amenities, as well as new educational opportunities for our children through interactive exhibits and films. As always, we appreciate the continued support of this Subcommittee and Congress as we work to ready the CVC for the visiting public later this year.

Ms. WASSERMAN SCHULTZ. Mr. Dorn.

OPENING STATEMENT—TERRELL DORN

Mr. DORN. Thank you, Madam Chair, Mr. Latham, members of the subcommittee. My status update this evening is somewhat routine, and I will keep it brief in order to provide more time for questions.

CONSTRUCTION UPDATE

The project's estimate of $621 million and its scheduled availability for opening remain unchanged. Fire alarm testing is continuing to go well, and I still expect it could finish slightly ahead of schedule. Construction necessary for a certificate of occupancy appears to be essentially complete and able to support the transition operations once the Fire Marshal gives his approval to begin occupancy. Punchlist operations are expected to continue for some months into the future, but are not expected to be overly disruptive.

As I discussed at our last hearing, it is not unusual at this stage of a project for new tenants in a building to request changes to customize their space or for inspectors to find things that could have been done differently. My understanding is that since that time, AOC and OOC have worked collaboratively and reached agreement on all outstanding issues between them that need to be corrected prior to the CVC opening.

As expected, other user-requested changes continue to come in as tenants visit their new spaces. AOC is trying to maintain the balance between making some needed changes now and pushing others off until construction is complete. None of the changes are significant; however, they can be a distraction from finishing the construction in hand.

In summary, there are no new construction issues since the last hearing. Construction costs and schedule remain the same and will be able to support the CVC opening when needed. Thank you, ma'am.

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

[Mr. Dorn's prepared statement follows:]

United States Government Accountability Office

GAO

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

For Release on Delivery
Expected at 7:00 p.m. EDT
Tuesday, July 8, 2008

CAPITOL VISITOR CENTER

Update on Status of Project's Schedule and Cost as of June 27, 2008

Statement of Terrell G. Dorn, Director,
Physical Infrastructure Issues

GAO-08-900T

Madam Chair and Members of the Subcommittee:

I appreciate the opportunity to be here today to assist the Subcommittee in monitoring progress on the Capitol Visitor Center (CVC) project. My remarks will focus on (1) the Architect of the Capitol's (AOC) construction progress since the last CVC hearing on May 22, 2008,[1] and (2) the project's expected cost at completion and funding status.

Today's remarks are based on our review of schedules and financial reports for the CVC project and related records maintained by AOC and its construction management contractor, Gilbane Building Company; our observations on the progress of work at the CVC construction site; and our discussions with the CVC team (AOC and its major CVC contractors) and AOC's Chief Fire Marshal. We also reviewed AOC's construction management contractor's periodic schedule assessments.

Construction Is Essentially Complete, and Fire Alarm Testing Continues

Since the May 22, 2008, CVC hearing, work on the project has moved forward, and despite issues in certain CVC and expansion space work, AOC still believes the fire alarm testing will be completed late next month and the project will be available to open in November 2008. According to AOC's construction management contractor, in dollar terms, the overall CVC project remains 99 percent complete.[2] Some risks to the project's schedule remain in testing some components of the CVC's fire alarm system. Many punch list[3] items also remain to be completed, and a steady number of proposed change orders have to be resolved. At this time, AOC does not expect the punch list items or the proposed change orders to affect the project's completion date.

Since the last hearing, work on the project's current critical path,[4] fire alarm acceptance testing, has continued, and AOC has taken steps to address other concerns. For example, the fire marshal has continued testing the building's smoke exhaust system. Although some issues have

[1]GAO, *Capitol Visitor Center: Update on Status of Project's Schedule and Cost as of May 22, 2008*, GAO-08-811T (Washington, D.C.: May 22, 2008).

[2]In other words, the sequence 2 contractor has received about 99 percent of the current contract value. This value does not include the costs of unsettled proposed change orders, potential claims, and work performed outside the current sequence 2 contract, such as the fire marshal's fire alarm acceptance testing.

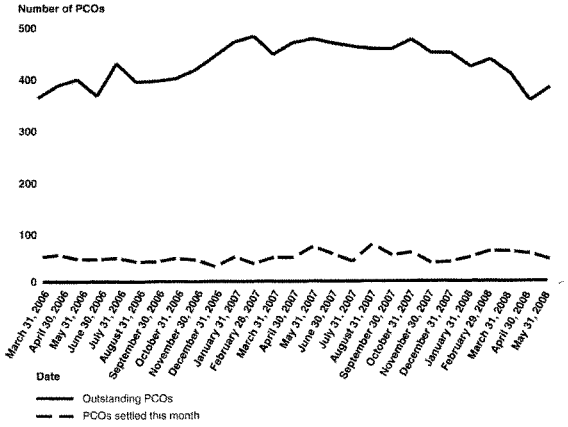
[3]A punch list identifies tasks, usually minor, to be completed at the end of a project.

[4]The critical path is the single longest path of activities through a project's schedule. Each day of delay in the critical path could delay the completion of the entire project.

arisen during this testing, such as the potential need for additional or larger smoke exhaust fans for a portion of the building, no new significant issues have emerged. AOC still expects to receive a temporary certificate of occupancy for the project on or before July 31, 2008. In addition, the CVC team has continued to gradually reduce the number of punch list items, which we have identified as a concern at the last several hearings. According to AOC, the number of punch list items has been reduced from over 15,000 to about 4,700. Finally, AOC is developing plans to repair the damage to plaza pavers that we discussed at last month's hearing. AOC has determined that substantial rework of the plaza may be required and is planning the repairs to avoid interference with the CVC's opening and with inaugural activities. It is still not clear who will ultimately be financially responsible for the repairs, but we do not anticipate a need for additional appropriations to address this issue.

Each month, the CVC team continues to identify proposed change orders. AOC and its contractors have continued to work together to reduce the number of open (outstanding) proposed change orders (PCO). However, the number of open orders has increased since our last statement while the number of orders settled during the same period has declined. Sustained attention to this issue is needed to reduce uncertainty about the project's costs. Figure 1 compares the number of outstanding proposed change orders with the number settled each month.

Figure 1: Outstanding and Settled Proposed Change Orders by Month, March 2006 through May 2008



Source: AOC's construction management contractor

AOC's Cost Estimate Remains the Same, and Additional Funds Will Be Needed

AOC's current estimate of the cost to complete the CVC project's construction, first reported in September 2007,[5] remains about $621 million. We believe this estimate is realistic and contains a sufficient allowance for contingencies, provided there are no unexpected delays over the next month, when construction is scheduled to be complete. To date, about $583.3 million has been approved for CVC construction, and AOC has $2.4 million more in fiscal year 2008 CVC appropriations that it plans to use for construction after it obtains congressional approval to

[5]GAO, *Capitol Visitor Center: Update on Status of Project's Schedule and Cost as of September 25, 2007*, GAO-07-1249T (Washington, D.C.: September 25, 2007)

obligate these funds.[6] In addition, AOC has estimated that it will still need another $2.6 million in fiscal year 2008 to fund CVC construction. Furthermore, AOC has requested $31.1 million in fiscal year 2009 funds for CVC construction. Given its current cost-to-complete estimate, AOC may need an additional $2 million in fiscal year 2009 to finish the project.

Madam Chair, this completes my prepared statement. I would be pleased to answer any questions that you or Members of the Subcommittee may have.

Contacts and Acknowledgments

For further information about this testimony, please contact Terrell Dorn on (202) 512-6923 or dornt@gao.gov. Other key contributors to this testimony include Shirley Abel, Michael Armes, Lindsay Bach, Maria Edelstein, Elizabeth Eisenstadt, Jeanette Franzel, Jackie Hamilton, Kara Patton, and Joshua Ormond.

[6]For fiscal year 2008, AOC received $28,753,000 (before rescission) in appropriations for the CVC project. Pub. L. No. 110-161. Of that amount, AOC is allowed, but not required, to use up to $8.5 million for operations. AOC is currently planning to use the $8.5 million for operations.

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Ms. WASSERMAN SCHULTZ. Ms. Rouse.

OPENING STATEMENT—TERRIE ROUSE

Ms. ROUSE. Madam Chair, Congressman Latham, members of the subcommittee, I am pleased to appear before you again with an update on the Capitol Visitor Center operations.

CONTINUING RESOLUTION CONCERNS

At the last hearing, the subcommittee requested that the Architect of the Capitol submit a plan to operate the Capitol Visitor Center under a continuing resolution for the first half of the fiscal year. While it may be possible to open the Capitol Visitor Center under the constrained circumstances of a continuing resolution, you need to know what this means in practical terms.

The most critical area of impact would be our inability to staff the Visitor Center to the level required to adequately serve the millions of visitors and constituents who are expected to come to the Capitol.

The Capitol Visitor Center is a complex operation that requires many properly trained people to operate smoothly. With limited funds, we will be challenged to have sufficient visitor assistants to direct people to the new entrance to the Capitol, to manage the visitor flow to the Visitor Center, as well as people within the CVC to operate the operations theaters, the Capitol Building, and to quickly and efficiently do gift shop sales, all of which is designed to make the visitor experience run effortlessly.

Visitation to the U.S. Capitol has increased in recent years. More and more families and student groups are visiting our hallowed halls. With the opening of the Visitor Center, we can expect visitation to increase by as much as 40 percent in the first year. This is typical for any new facility.

CVC FIRST IMPRESSIONS—TRANSPORTATION

The Capitol Visitor Center was designed to maximize public access to the U.S. Capitol while enhancing the experience for the millions of people who come to walk its historic corridors. We only have one chance to make a first impression once we open the Visitor Center, and we want to make sure everyone's first impression of the Capitol Visitor Center is memorable.

At the last hearing we talked about transportation. In June, we facilitated a meeting among the House and Senate Sergeants at Arms, the U.S. Capitol Police, and several transportation consultants to discuss visitor approaches to the Capitol. During the peak tourist season, 60 percent of visitors arrive at the Capitol by charter bus, which means they are dropped off at the West Front. Twenty-five percent of visitors walk to the Capitol from sites on the National Mall, so they too arrive at the Capitol via the West Front.

Here are some of the options we discussed. One possibility is a tram that would make a looping route on the surface streets that surround the Capitol, including Constitution, Independence Avenues, and First Street. Another option is a smaller vehicle, similar to the shuttle that the Guide Service uses now, which would travel on the paths within the green bollards encircling the Capitol

grounds. The option we have looked at in this category could run on either gas or electricity, so we have the potential for energy efficiency as we now have with the current shuttles.

TRANSPORTATION PLAN

On the larger scale, officials at the District Department of Transportation, DDOT, estimate it would cost approximately $3.5 million for the Capitol Visitor Center to procure and run its own fleet of buses that would traverse routes from Union Station and possibly around the Capitol Building. The cost to lease buses would be around $1.5 million.

As you know, when construction of the Visitor Center, as well as the security concerns after September 11th, necessitated that larger buses drop off passengers on the West Front of the Capitol, a solution was developed to assist mobility-impaired visitors to get up the Hill. Currently, a fleet of five shuttles, operated by the Guide Service, provide assistance to visitors to the Capitol who have mobility difficulties. The Guide Service can accommodate wheelchair users from any point of origin within the green bollards.

According to the Guide Service, these five shuttles are ready to be replaced. However, funds for the replacement have not been included in fiscal year 2008 or fiscal year 2009 budget requests. Nevertheless, maintaining the current system is an option for managing the situation for the near term.

Any new transportation plan must be vetted and approved by the Police Board, a board, as you know, which is made up of the Sergeant at Arms from the House and the Senate, the Architect of the Capitol, and the Chief of the Capitol Police, who serves as an ex officio member.

From an operational perspective, our tasks will always be to provide constituents with clear and concise information about how they can approach the Capitol Visitors Center and the historic Capitol Building.

CVC STAFFING

Madam Chair, we have much to do with very little time. We look forward to the final passage of the legislation that establishes our Visitor Services organization, which provides the management and administration of the Capitol Visitor Center. The Capitol Visitor Center is a multi-faceted operation that depends on people trained, and that brings us back to my first and most critical point. Our plan was to have on board more than 100 Visitor Assistants by September 15th, who would join approximately 75 guides and the required management. We are currently hiring to meet this goal, but we will adjust our plans accordingly to meet the authorized and appropriate levels in light of the potential fiscal year 2009 continuing resolution.

The United States Capitol Visitor Center staff is striving to reach the goals Congress mandated with the design and building of a 580,000-square-foot expansion, the key objective being to manage visitor flow and to provide visitors with improved amenities, enhanced safety, and overall to improve the experience at the Capitol.

Thank you again for this opportunity to update the subcommittee on our activities. I am happy to answer any questions.

Ms. WASSERMAN SCHULTZ. Thank you, Ms. Rouse.
[Ms. Rouse's prepared statement follows:]

Statement of Ms. Terrie S. Rouse
Chief Executive Officer for Visitor Services
for the Capitol Visitor Center, Office of the Architect of the Capitol

Before the Subcommittee on Legislative Branch
Committee on Appropriations

Regarding
Capitol Visitor Center Operations

July 8, 2008

Madam Chair, Congressman Latham, members of the Subcommittee, I am pleased to appear before you again with an update on Capitol Visitor Center operations.

At the last hearing, the Subcommittee requested that the Architect of the Capitol submit a plan to operate the Capitol Visitor Center under a continuing resolution for the first half of the fiscal year.

In order to provide you with the information you requested, we conducted an extensive review of the Visitor Center's budgetary needs and balanced them against the limited funding available to the Visitor Center while operating under a continuing resolution. The possibilities for this funding included the reprogramming of current funds, loans from Architect of the Capitol projects, and use of limited available "no year" funds. While it may be possible to open the Capitol Visitor Center under these constrained circumstances, it is incumbent upon me to bring to your attention what this means in practical terms.

The most critical area of impact would be our inability to staff the Visitor Center to the level required to adequately serve the millions of visitors and constituents who are expected to come to the Capitol. For many of these people, this is a once-in-a-lifetime experience!

The Capitol Visitor Center is a complex operation that requires numerous properly-trained people to operate smoothly. With only limited funds, there will not be enough visitor assistants

to direct people to the new entrance to the Capitol; we will not have enough people to manage the visitor flow inside of the Visitor Center as visitor leave the Orientation Theatres and enter the Capitol Building; we will not have enough service staff to process sales quickly and efficiently in the gift shops; and we may not have enough technical staff to run our new equipment, all of which is designed to make the visitor experience run effortlessly.

Visitation to the U.S. Capitol has increased in recent years – more and more families and student groups are visiting our hallowed halls. With the opening of the Visitor Center, we can expect visitation to increase by as much as 40 percent in the first year – this is typical for any new facility. The Capitol is already a "must see" stop for people who come to Washington – it will become even more so once we open our doors. A well-trained visitor services staff, along with fully-functioning systems and procedures, will ensure that as many people as possible will have an opportunity to not only enjoy the rich educational experience within the Visitor Center, but to experience the grandeur and dignity of the historic Capitol Building.

Funding reductions would weaken the ability of the Visitor Center staff to fully interact with, and serve Members of Congress and visitors. For example, we would be challenged to support after-hours events sponsored by Members. Budget reductions might even interrupt our plans for displaying special artifacts related to Abraham Lincoln in conjunction with the nationwide celebration of the bicentennial of his birth.

The Capitol Visitor Center was designed to maximize public access to the U.S. Capitol while enhancing the experience for the millions of people who come to walk its historic corridors. Its mission is to provide a welcoming, educational, safe, and comfortable environment for visitors to learn about the Congress, the legislative process, and the Capitol Building. Operating the Visitor Center without adequate funding will undercut these basic objectives.

We only have one chance to make a first impression once we open the Visitor Center. I want to make sure that everyone's first impression of the Capitol Visitor Center is first-rate.

At the last hearing, we also talked about transportation. Let me bring you up to date on where we are on that score. In June, we facilitated a meeting among the House and Senate Sergeants at Arms, the U.S. Capitol Police, and several transportation consultants. We discussed a number of shuttle options that would assist people who arrive at the West Front of the Capitol in getting to the Capitol Visitor Center on the East Front.

During the peak tourist season, 60 percent of visitors arrive at the Capitol by charter bus, which means that they are dropped off at the West Front. Twenty-five percent of visitors walk to the Capitol from other sites on the National Mall, so they, too, would arrive at the Capitol via the West Front.

One option is a tram that would make a looping route on the surface streets that surround the Capitol, including Constitution and Independence Avenues and First Street. Another option is a smaller vehicle, similar to the shuttle that the Guide Service uses now, which would travel on the paths within the green bollards encircling the Capitol grounds. The option we've looked into in this category could run on either gas or electricity, so we have the potential for energy efficiency, as we have now with the current shuttles.

In conversations with officials at the District Department of Transportation (DDOT) over the past year, we've learned that it would cost approximately $3.5 million for the Capitol Visitor Center to procure and run its own fleet of buses that would run routes from Union Station and possibly around the Capitol Building. The cost to lease buses would be around $1.5 million. We could get more detailed information and a formal proposal from DDOT, if the members of the Subcommittee make that request.

Our consultants are preparing information that includes the pros and cons of each option including costs, logistics, manpower needs, fueling, storage, life-cycle projections, and other considerations such as benches for the shuttle stops and signage. No option comes without a price tag, however.

As you know, construction of the Visitor Center, as well as security concerns after September 11, 2001, necessitated that large tour buses drop off passengers on the West Front of the Capitol. As a result, a solution was developed to assist mobility-impaired visitors to get up the hill. Currently, a fleet of five shuttles, operated by the Guide Service, provides assistance to visitors to the Capitol who have mobility difficulties. At the present time, two shuttles run continuously between 8:30 a.m. and 4:30 p.m. Any wheelchair can fit into one of these shuttles without the occupant vacating the chair. In addition, all of the shuttles are specially designed with built-in ramp access. An apparatus to secure the chair and occupant is required and has been installed.

The Guide Service can accommodate wheelchair users from any point of origin within the green bollards. Generally, visitors in wheelchairs are dropped off curbside from wheelchair-accessible vehicles on First Street, S.W. From there they go to the Visitor Kiosk and request assistance to the South Visitor Facility. According to the Guide Service, these five shuttles are ready to be replaced; however, funds for replacement have not been included FY 2008 or FY 2009 budget requests. Nevertheless, maintaining the current system is an option for managing the situation for the near-term.

Until a new transportation plan is reviewed by the U.S. Capitol Police Board, is vetted and approved, our immediate task is to provide visitors with clear and concise information about how they can approach the Capitol Visitor Center and the historic Capitol Building.

Every month brings us closer to the opening of the Visitor Center – as we get closer to that opening date, a lot needs to be accomplished. I need to make certain that our gift shops, our restaurant, and our exhibition space are properly organized and equipped, and that our guides and visitor assistants are trained and confident in the new space.

Guides and visitor assistants will receive in-depth training in conducting tours of the historic Capitol Building and the Visitor Center. We plan to conduct training for Members and staff as well. The staff will be trained in giving tours, as well as booking them through the Advance Reservation System. We will, of course, have extensive building orientation for Members and staff.

Our Exhibits and Education Department has begun a 90-day test of environmental readings in the Exhibition Hall – the Smithsonian's National Museum of American History won't loan artifacts until we've had 90 days of stable readings in the Hall. Once we've had the 90 days of stable readings, we can begin the process of receiving, processing, and installing the artifacts we're borrowing. Additionally, we have begun similar measurements in our exhibit cases which need 60 days of stable readings before artifacts can be installed in the cases. Most importantly, after the exhibits and artifacts are installed, our Exhibition Hall explainers, who will come from our pool of trained visitor assistants, will need to be trained in the Hall so that they can help others.

Our gift shop managers are on board but we still need to interview, hire, and train the sales people who will work in the shops. We want to make sure that they have retail experience related to the subject matter they'll be selling.

As we all know, the installation of any IT system is complex. The Visitor Center, which has IT needs throughout every facet of the building, is no exception. IT infrastructure redundancy is vital to data communication among all implemented Visitor Center systems. Without this required capability, we would jeopardize the reliability of all our systems – from digital signage to the Advance Reservation System, to the cash registers in the gift shops and the restaurant.

Before opening to the public, our 530-seat restaurant needs adequate preparation time to mitigate risks that are inherent with any start-up of a food service operation. Menus need testing and approval; restaurant employees need to be interviewed, hired and trained; all of the equipment needs to be checked and re-checked, and we need to determine food ordering levels and storeroom receiving procedures.

We are planning a period of what we call "test and adjust" where all aspects of the facility are tested using diverse groups of people who can provide feedback to our staff on all phases of the visitor experience. This includes visitor flow and circulation, staff procedures, and facilities and amenities functioning – from the restaurant to the restrooms – to ensure optimal operation performance upon opening to the general public.

As you can see, the Capitol Visitor Center is a multifaceted operation that depends on people – trained people – and that brings me back to my first point. Our plan was to have on board more than 100 visitor assistants by September 15 who would join approximately 60 guides, and an administrative and executive staff of about 100. With only limited funds, we will not be able to accomplish the mission we were given by Congress to better manage visitor flow and to provide visitors with improved amenities, enhanced safety, and an overall improved experience at the Capitol, resulting in a better understanding of the Legislative Branch of our Federal government.

Madam Chair, as I have noted at prior hearings, we have much to do and not much time to do it in. We look forward to the final passage of the legislation that establishes our Visitor Services organization which provides for the management and administration of the Capitol Visitor Center.

Thank you, again, for this opportunity to update the Subcommittee on our activities, and thank you for your continued support and interest. I am happy to answer any questions you may have.

Ms. WASSERMAN SCHULTZ. Chief Morse.

OPENING STATEMENT—CHIEF MORSE

Chief MORSE. Good evening, Madam Chair, Congressman Latham, members of the committee.

The U.S. Capitol Police continues to work closely with the Architect of the Capitol, the Capitol Police Board, and other stakeholders on the final steps to prepare the Capitol Visitor Center for occupancy and operation. Based upon the proposed concept of operations, the Department has developed operational, emergency response, and evacuation plans for our role in supporting this effort. We are prepared to evolve these plans to meet changes in the CVC concept of operations.

The plans have several objectives. One is to move guests and visitors as quickly as possible through our screening process; to provide an immediate and appropriate response to any event which may occur within the facility; to provide maximum support, protection, and response for Members and their staffs while they are conducting business and meeting with constituents within the Visitor Center; and to use state-of-the-art technology and practices to maximize through-put of visitors, and efficiently utilize police staffing for proper security and law enforcement coverage within the CVC.

EMERGENCY PREPAREDNESS TRAINING

Additionally, the Department is conducting initial training on emergency procedures and evacuation plans for the CVC. We believe that the overall sworn training program provided to the Capitol Police sworn personnel addresses crowd control under various operational situations. We also believe that this training and its operational application provide our personnel with the resources necessary to address increased pedestrian traffic resulting from the operation of the CVC.

ENFORCEMENT OPERATIONS TRAINING

We are finalizing a CVC law enforcement operations training plan, which will allow the sworn personnel assigned to the CVC to familiarize themselves with the many facets of the facility, as well as the expanded uses for the CVC itself, so they may provide the same professional law enforcement capabilities realized in other buildings within the Capitol Complex.

I have submitted written testimony for the record, and at this time I would be happy to answer any questions you may have.

Ms. WASSERMAN SCHULTZ. Thank you, Chief Morse.

[Chief Morse's prepared statement follows:]

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WASHINGTON, DC 20510-7218

Statement of Phillip D. Morse, Sr.,
Chief of Police, United States Capitol Police

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

Regarding the Capitol Visitor Center Project

July 8, 2008

Madam Chair, Congressman Latham and Members of the Subcommittee, I would like to thank you for the opportunity to appear before you today to provide a brief update on the United States Capitol Police role in securing the Capitol Visitor Center.

The USCP continues to work closely with the Architect of the Capitol (AOC) and our other stakeholders on final steps to prepare the Capitol Visitor Center (CVC) for occupancy and operation. With the opening of the CVC in November 2008, we will welcome large numbers of guests and visitors to the Capitol to witness firsthand the legislative process of our government. This new facility will efficiently process high volumes of guests and visitors and bring them into a safe, controlled and monitored environment as quickly as possible, while maintaining the highest level of security and protection.

I would like to thank the Committee for its commitment to providing the Department with the necessary staffing resources to meet the concept of operations under consideration.

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Based on the proposed concept of operations, the Department has developed operational, emergency response and evacuation plans for our role in supporting this effort. We are prepared to evolve these plans to meet changes in the CVC concept of operation. These plans have several primary objectives:

- To move guests and visitors as quickly as possible through our screening process, so we can welcome them into a safe and secured facility;
- To provide an immediate and appropriate response to any event which may occur within the facility;
- To provide the maximum support, protection and response for Members and their staff while they are conducting business and meeting with constituents within the Capitol Visitor Center, and;
- To use state-of-the-art security technology and practices to maximize throughput of visitors and efficiently utilize police staffing for proper security and law enforcement coverage within the CVC.

Additionally, the Department is conducting initial training on emergency procedures and evacuation plans for the CVC. We believe that the overall sworn training program provided to USCP sworn personnel addresses crowd control under various operational situations. We also believe that this training and its operational application provide our personnel with the resources necessary to address increased pedestrian traffic resulting from the operation of the CVC. We are finalizing a CVC law enforcement operations training plan, which will allow the sworn personnel assigned to the CVC to familiarize themselves with the many facets of the facility , as

well as the expanded uses for the CVC itself, so they may provide the same level of professional law enforcement capabilities realized in the other buildings within the Capitol Complex.

As you may know, we have systems in place to allow for the reassignment of resources and personnel to meet critical operational and situational needs throughout the Capitol Complex. Therefore, we believe that we have the capability to move personnel in a timely manner to address surges in pedestrian flow, as well as other events, while maintaining the security of the Capitol Complex. As with any operational situation, we will continue to monitor and evaluate the mission needs based on the evolution of the CVC project.

Based on historical data, tourists to the Nation's Capitol do not typically drive to their destinations. Therefore, we would anticipate the same flow of vehicular traffic that is currently present. Within the current operational context, the Department currently supports large charter buses dropping off visitors to the Capitol on First Street NW/SW along the West Front.

The Department is continuing its work with the AOC and the District's Department of Transportation to examine bus routes on the Capitol Complex, as well as the most efficient methods for transporting visitors, while maintaining our operational security plans for the Complex. We have developed two concepts of operation that will allow for security screening of buses. We are currently reviewing the logistical, equipment and staffing requirements associated with each plan. Based on the outcome of this review, we plan to advise our congressional stakeholders of resource requirements necessary to meet the evolving CVC concept of operation.

As for the impacts on office buildings and other buildings on the Capitol Complex resulting from additional pedestrian traffic associated with the CVC, we do not anticipate an increase in personnel needs for this purpose at this time. Based on the physical constraints on the pedestrian flow through the building entrances and available equipment, we do not believe that the flow of pedestrian traffic through the entrances would increase with the addition of personnel at these screening locations.

As we have previously provided in our testimony on this subject, the Department believes that the main entrances of the Capitol Visitor Center remain the optimum entry point for visitors to the CVC and the Capitol. Our planning assumptions have consistently relied upon the state-of-the-art CVC entrance configuration to process large numbers of visitors in a more efficient manner, so that we can sustain the high security standards currently maintained throughout the Capitol Complex. With the anticipated influx of visitors, we are mindful of the need to closely monitor and regulate the number of visitors in the Capitol and the CVC at any given time, so that we may ensure that an evacuation of these structures can be accomplished in a safe and timely manner.

Currently there are three primary points of entry for tour groups to enter the Capitol. The primary entry location for public tours is the Upper West Terrace Door of the Capitol. This is a temporary entry point that has been used while the CVC has been under construction. The two entry points for staff-led tours are through either the Cannon House Office Building or Russell Senate Office Building tunnels into the Capitol.

Understanding the concerns raised regarding the ability of Members to maintain staff led tours for their constituencies, the Department is continuing to work with the Congress on this

matter. As noted in our FY 2009 budget request, we have requested an additional 10 sworn FTE to provide for the continuation of tours through the tunnels to the Capitol.

The Department understands that the concept of operation for the CVC has not been finalized and further adjustments may be made to ensure that the facility provides for the needs of visitors to the Capitol Complex, while serving as a working building in which the Congress may conduct its business. We remain committed to working with the Congress and the AoC on these efforts.

As I mentioned earlier, we are grateful for the support of the Congress in authorizing 21 sworn FTE in FY 2008 to meet the concept of operation requirements identified at the time of our budget submission. A major factor in the Department's planning effort is our ability to hire and train the additional sworn staff we believe would be necessary to secure the CVC. Even with authorization for the additional 10 sworn FTE necessary for tunnel security and the necessary funding to support these 31 FTE in FY 2009, the Department will not have the opportunity to train these sworn officers in the time remaining prior to the opening of the CVC in November 2008.

Therefore, the Department has developed its operational plans for the opening of the CVC around the utilization of overtime funding until such time as the authorized FTEs are hired, trained and deployed. These requirements were recently updated to reflect our current overtime requirements for CVC operations and have been submitted for your consideration. As I have mentioned in previous testimony, I believe this should be a short-term solution as I am mindful of the adverse effects of long shifts and extensive overtime on personnel. This overtime-funding

requirement is reflected in the Department's FY 2009 budget request and we appreciate the Committee's willingness to consider this requirement as a part of the overall budget.

In closing, I would like to thank you for the opportunity to appear before the Committee today. The Department remains committed to continuing the highest-level of security and service provided to the Congress and the visitors to the Capitol Complex. With your continued support and that of the Congress, the Department will be able to provide the operational mechanisms needed to meet the security requirements resulting from the final concept of operations for the CVC.

I will be glad to answer any questions you may have at this time.

Ms. WASSERMAN SCHULTZ. Mr. Eveleth.

OPENING STATEMENT—PETER EVELETH

Mr. EVELETH. Good evening, Madam Chair, Mr. Latham, and members of the subcommittee. I am pleased to be here to report on the actions taken by the Office of Compliance to ensure that when the Capitol Visitor Center opens it will be safe, as well as fully accessible to individuals with disabilities.

CVC PRE-INSPECTION PROCESS

There are two points I would like to emphasize. First, since we began our preinspections in February, we have worked very closely with the CVC construction management to assure that health and safety hazards and barriers to accessibility are identified and promptly corrected so that this grand facility can be opened fully compliant and on schedule. In coming weeks, after the Architect has implemented corrective measures to fix the hazards that we have identified, our inspectors will confirm that they are fully and properly abated.

The final phase of our inspections will begin in August, once the CVC staff and contractors have moved into the facility. This phase will involve operational aspects of the CVC such as emergency action plans, training on fire safety devices, and so forth. We anticipate that this inspection will be completed in October. From the assurances we have received from the AOC, we expect that the hazards identified to date will be timely abated; accordingly, they should not delay the opening of the CVC.

Second, I want to assure you that in conducting our inspections we have followed OSHA and other well-recognized national consensus safety standards, as well as equal access requirements of the ADA. These are the same standards that this office applies during its biennial inspections of all legislative branch facilities.

OFFICE OF COMPLIANCE AND THE AOC—WORKING RELATIONSHIP

Throughout our preinspections we worked collaboratively with Bernie Ungar and others from the AOC in bringing this project to conclusion. Together, we have developed and carried out an agreed-upon inspection schedule, and on at least a dozen different occasions our inspectors have been in the CVC conducting a thorough wall-to-wall inspection.

AOC and CVC officials and contractors accompanied our inspectors on their inspections. As the chart attached to my written testimony shows, our inspection has included, among other items, fire alarm testing protocols, stair handrails, wheelchair ramps, electrical devices, testing for radon, and various ADA requirements.

As to the second point, our staff has been careful to limit inspections to hazardous conditions that contravene recognized OSHA and ADA regulations. You will note from the chart that for each safety hazard found, the applicable safety standard is indicated. In nearly every instance, the AOC has agreed with our assessment.

We do not nitpick. If we conclude that a condition does not violate the law, we do not require that it be fixed. That said, if during an inspection our inspectors should come across a condition that in

their experience is likely to become a hazard, we would be obliged to so advise the AOC and perhaps make appropriate recommendations to obviate that potential danger. But once again, and I want to repeat, we would not require that these recommendations be adopted.

As the chart also reflects, nearly every one of the 115 types of hazards identified has been or is slated to be abated by the AOC. I would stress that it is the responsibility, of course, of the Architect to determine how a hazard identified by our office will be abated. It is our role to assure that whatever corrective measure the Architect selects, that measure must fully abate the hazard.

UNRESOLVED PENDING ISSUES

The few issues still to be resolved during this preinspection principally involve the accommodation of individuals with disabilities. Most pressing is the need to assure safe and prompt evacuation of such persons from the CVC in the event of an emergency. In considering these issues, we have consulted with the AOC, the Fire Marshal, the Capitol Police, as well as the Department of Justice, and the Architectural and Transportation Barriers Compliance Board, who have provided us with useful advice.

The resolution of emergency egress issues will likely depend in significant part on the emergency action plans currently being developed by the CVC Emergency Preparedness team. We look forward to working together with the team and CVC management in reviewing those plans. Our office and the CVC management share a common objective, that of assuring that adequate measures to protect individuals with disabilities are in place and in advance of the scheduled opening of the CVC.

PRE-INSPECTIONS—ONGOING

In sum, our inspections are ongoing and on schedule. Nearly all hazards have been or are planned to be abated. Only a handful of issues require further discussion, and we are confident that our discussions will yield positive results as we go forward.

I recently had the opportunity to tour the CVC again with our Board when our Board of Directors was in town. It is an extraordinary facility. As I report to you this evening, I am proud of the contributions that our office has been able to make toward achieving our shared objective here, that the CVC be a safe and healthful facility, fully accessible to disabled individuals and one that is ready to open on time.

In closing, I want to commend the AOC, especially Bernie Ungar and those working with him, for their extraordinary cooperation and efforts throughout this inspection. We look forward to continue to work closely with them until this process has successfully completed.

I am happy to answer any questions you may have.

Ms. WASSERMAN SCHULTZ. Thank you, Mr. Eveleth. And by the way, congratulations on your reappointment by the OOC Board.

Mr. EVELETH. Thank you.

Ms. WASSERMAN SCHULTZ. You are doing fine work.

[Mr. Eveleth's prepared statement follows:]

STATEMENT OF PETER AMES EVELETH
GENERAL COUNSEL, OFFICE OF COMPLIANCE
BEFORE THE SUBCOMMITTEE ON THE LEGISLATIVE BRANCH,
HOUSE APPROPRIATIONS COMMMITTEE
July 8, 2008

Good morning, Madam Chair, Mr. Latham and Members of the Subcommittee. I am pleased to testify this morning about the Capitol Visitor Center and to report to you the actions taken by our Office to ensure that the CVC is a safe facility, is fully accessible to visitors and staff with disabilities, and can open on time.

There are two points I would like to emphasize:

First, since our Office began its pre-inspection of the CVC in February, we have worked closely with CVC management to assure that potential health and safety hazards to visitors and staff are identified and abated in order that the CVC can be opened to the public in November. Although we cannot begin the final phase of our inspection involving operational aspects of the facility until staff and contractors who will be servicing the CVC have moved in during August, we are confident that none of the hazards we have identified to date will delay that opening.

Second, the standards we have followed in conducting our inspections are well recognized - OSHA standards and the OSH Act's general duty clause, augmented by the National Fire Prevention Association's Life Safety Code, the BOCA National Building Code, and other national consensus standards, and the Americans with Disabilities Act. These are the same standards that this office applies during its biennial inspections of other legislative branch facilities.

On the first point, it's important to keep in mind our statutory mandate: Under the Congressional Accountability Act, the Office of Compliance is charged with ensuring safe and healthful working conditions for employees in the CVC – including guides, Capitol Police and others. We are also required to assure visitors with disabilities full access to the CVC's many features. The facility's size, its underground nature, its location next to the iconic U.S. Capitol building – all contribute to the complexity and challenge of assuring the well-being of those who work and visit the CVC.

Throughout our pre-inspections, we have worked collaboratively with the Architect, the Capitol Police and all those involved in this project to identify health and safety hazards. From the very beginning, we have coordinated closely with CVC officials, and since March, we have discussed in weekly conferences any and all issues that have arisen during the inspections. Our inspectors worked with Bernie Ungar and Doug Jacobs to develop a schedule for reviewing the facility in phases. So far our inspectors have been to the CVC on at least eleven separate occasions. This has been a thorough, wall to wall inspection.

As the chart attached to my written testimony shows, it has covered, among other items, fire alarm testing protocols, fire door installations, hand rails, wheelchair ramps, electrical devices,

slip and trip hazards, emergency lighting, radon, Braille and exit signage, emergency egress, and Americans with Disabilities Act requirements.

AOC officials and contractors accompany our inspectors on their walk-arounds; this prevents confusion and, in many instances, facilitates quick hazard abatement. To cite just one example, our inspectors identified incorrectly installed electrical devices that posed a hazard to CVC occupants; virtually all of these were abated in very short order.

As to the second point, our staff is careful to identify to CVC and AOC staff only those hazards that contravene applicable regulations and Code provisions. The chart attached to my written statement cites the applicable standard for each hazard found during our inspections. We don't nitpick: if a condition doesn't violate the law, we don't require abatement.

With respect to the abatement of identified hazards, we work with CVC management to achieve practical, effective, and, as possible, cost effective solutions. For example, air handlers in the ventilation system had partially exposed rotating shafts, thus presenting a risk of injury to workers in the vicinity. OSHA standards require such shafts to be completely covered. Rather than fabricate totally new protective guards, CVC officials modified existing metal guards over the uncovered portions of the shafts – a practical and low-cost solution to the problem that our Office approved. (Illustrative photographs of various abatement actions are attached to my written statement.)

Of the hazards we have found during these inspections, the vast majority have been, or are scheduled to be, abated. With but few exceptions, our AOC counterparts agree with our assessment that these hazards violate recognized safety standards and, therefore, must be abated. Finally, there are a couple of conditions that we both agree are recognized hazards, but we have not as yet settled upon the appropriate means for rectifying them. We fully expect to achieve mutually acceptable solutions to these matters in the near future.

In summary, our inspection is ongoing; as abatement of the identified hazards is achieved, and operating systems are installed, we will continue to work with CVC officials to make sure the facility will be safe, healthful and accessible. Of the 115 types of hazards identified during this phase of the inspection, nearly all have been or will soon be abated; only a handful of issues require further discussion. We continue to consult with the AOC, the Fire Marshal, the USCP, as well as outside consultants, as necessary, to resolve these matters, and we are confident that our discussions will yield positive results as we go forward.

I had the opportunity again to tour the CVC last week, when our Board of Directors was in town. I can attest that it is an extraordinary facility. I'm proud of the contributions that our Office has made toward achieving our objective - the CVC will be safe, fully accessible to disabled individuals and open on time. In closing, I want to commend the AOC, and especially Bernie and Doug and all who worked with them, for their extraordinary cooperation throughout the inspection process. We look forward to continuing to work closely with them until this process has been completed. I would be happy to answer any questions you may have.

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Hazard No	Observed Date	Location		OOC Finding	Applicable Standard	OOC's Proposed Solution	Abatement Status	AOC Comments
1	2/21/2008	Near steam pipe entry area	Service level near steamline entry area along wall	Steam line is leaking steam Employees are potentially exposed to a steamline leak that is creating a hot environment in the immediate area	2 U.S C sec 1341, CAA sec 215 Gen Duty	Repair the steamline and stop the steam leak	Abated - Ready for reinspection	
3	2/21/2008	HVC230	Somewhat narrow storage area near exit stairway 8	A floor hole or opening is large enough to cause someone to fall into it as it has no cover or guardrail around it	29 CFR 1910 23(a)(3), (a)(5) and (a)(8)	Cover the hole or opening with a metal grate or other device to prevent falling into the opening in the floor	Will be abated	
5a	2/21/2008	CVC245B House Virtual Gallery	The row level of seats with entry from either end	A fall hazard is created in front of the cross aisle or walkway by the absence of a protective railing of proper height	29 CFR 1910 35 and NFPA 101 sec 12 2 11 1 3	Install a proper railing of at least 26 inches in height or higher to prevent persons from fall over the open area Remove the condition that could allow a person to fall over the lower level of seats	Will be abated	Cost is approximately $5,000
5b	2/21/2008	CVC245C Senate Virtual Gallery	At entry points on both ends of the aisle	A fall hazard is created in front of a cross aisle because of the absence of a proper safety rail	29 CFR 1910 35 and NFPA 101 sec 12 2 11 1 3	Install a safety rail of proper height to prevent a person from falling over the seats in front of their aisle Remove the condition that could allow a person to fall over the lower front of the aisle or walkway	Will be abated	Cost is approximately $5,000
7	2/21/2008	On the service level	Building engineers control room	This room does not have a fire alarm system's audible or visual alerting device	29 CFR 1910 37(a)(4)	The fire alarm system needs to include a proper alerting device in this area	Will be abated	
8	2/21/2008	HVC119CR	Access to the Cannon tunnel at CVC doorway	An exit route is significantly obstructed by the presence of a 6 inch drop on the stair step side of the doorway	29 CFR 1910 35, 2000 NFPA 101 sec 7 2 1 3	Exit pathway needs to be on same plain	Abated - Ready for reinspection	
9	2/21/2008	CVC227B Kitchen	Food storage freezers area	These freezers were not inspected on the inside, it is not known as to whether there is an inside safety release available or not	29 CFR 1910 146	Inside safety release needs to be available and in good working condition even when door is not currently being locked	Abated - Ready for reinspection	
10	2/21/2008	(whole facility)	All fire door protective openings requiring two fire doors together	Paired fire doors have a gap between them that exceeds 1/8 inch when they are closed	29 CFR 1910 37(a)(4)	Fire doors need to be adjusted to close the gap between the fire doors, or an astragal needs to be installed or other effective means needs to be implemented to close the gap to acceptable limits	Abated - Ready for reinspection	
11	2/21/2008	Near steam pipe entry area	Near the steamline entry area and sump hole	A portable extension ladder is used to make entry into the sump hole area where wet operations are expected to take place It is anticipated that multiple entries will be required periodically in the future	29 CFR 1910 333(a)(1)	Replace the use of the portable ladder with a fixed properly designed ladder Provide for safe access to the fixed ladder and eliminate the need to bring in a portable ladder with wet floors	Will be abated	OOC recommendation not a requirement
12	2/21/2008	Near steam pipe entry area	Steamline entry area with sump hole	A sump hole with its cover off creates a floor opening large enough to allow someone to fall into it	29 CFR 1910 23(a)(3), (a)(5), (a)(8)	Return cover over the hole or opening when work is completed, otherwise provide a guardrail or other barrier to prevent a person from falling into the hole	Will be abated	OOC recommendation not a requirement
13	2/21/2008	(whole facility)	The Fire Fighter Phone Boxes throughout building	Access to a fire fighter phone is denied by having locked doors at staging areas D C Fire Fighters will not have keys to these phones and so they will be using their radios to the extent they will work in the building	29 CFR 1910 37(e)	These phones to be of use to anyone in an emergency need to have the locks removed from the doors, otherwise, the phones serve no purpose They will not be able to be used by anyone to communicate with the fire alarm panel attendants during an emergency	Will be abated	Doors will be unlocked - Approved by Fire Marshal

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Hazard No	Observed Date	Location		OOC Finding	Applicable Standard	OOC's Proposed Solution	Abatement Status	AOC Comments
14	2/21/2008	(whole facility)	Exterior and interior stairways' handrail ends	A number of stairway handrail systems are not in serviceable condition They present a projection hazard where visitors and employees could be injured if they run or fall into this part of the handrail	29 CFR 1910 23(e)(5)	Replace the handrail system's end piece so it curves back to the wall or to the post and does not project out beyond the stair steps and into the walkway area It needs to be secured and properly mounted to provide the required protection features	Under Discussion	NFPA does not require turning rails back to the wall in non-egress stairs CVC has worked with OOC to determine locations which might be considered projections hazards Cost is approximately $50,000
15	3/27/2008	CVC320B	A middle column in the men's bathroom on the service level	An electrical outlet down by floors that will be wet and within 6 feet of a sink lacks GFCI protection	29 CFR 1910 304(b)(3)	The outlet needs to have GFCI protection, or be covered with a blank plate to prevent its use if its wiring is not de-energized	Abated	
16	3/27/2008	CVC320B	Men's restroom/shower on service level	An electrical outlet within 6 feet of a sink lacks GFCI protection	29 CFR 1910 304(b)(3)	The outlet needs to have GFCI protection, or be covered with a blank plate to prevent its use if its wiring is not de-energized	Abated	
17	3/27/2008	CVC318B	Women's restroom/shower area wall outlet	An electrical outlet is near areas that are expected to have wet floors and within 6 feet of a sink lacks GFCI protection	29 CFR 1910 304(b)(3)	The outlet needs to have GFCI protection, or be covered with a blank plate to prevent its use if its wiring is not de-energized	Abated	
18	3/27/2008	CVC3 Stair_14	Wide exit stairway without middle handrail	An exit route is lacking proper handrail installations as it has no middle handrail and the stair width is over 10 feet	29 CFR 1910 35, 2000 NFPA 101 sec 7 2 2 4 2	Install a middle handrail in the center of the exit stairway	Will be abated	
19	3/27/2008	CVC3 Stair_14	Signage needed over the entrance doorway at top landing	A needed exit sign is missing	29 CFR 1910.37(b)(2)	An appropriate exit sign needs to be installed to help facilitate emergency evacuation	Will be abated	Will coordinate with Fire Marshal
20	3/27/2008	CVC327CR	Wall outlet along corridor	Testing by the OOC indicates that an electrical wall outlet has high impedance of over 1 0 ohm on the hot and neutral connections	29 CFR 1910.303(b)(1)	Evaluate this condition and make any necessary corrections to ensure the outlet is safe to use	Abated	
21	3/27/2008	HVC352	Wall outlets near sink	Two electrical outlets within 6 feet of a sink lacks GFCI protection	29 CFR 1910 304(b)(3)	The outlet needs to have GFCI protection, or be covered with a blank plate to prevent its use if its wiring is not de-energized	Abated	
24	3/27/2008	HVC311	Electrical panelboards CHSD and EPHSD inside the electrical closet	The directory (index) of circuit breakers in two electrical panels are not properly labeled, so it is not possible to readily determine areas controlled by individual breakers	29 CFR 1910 303(f)(2)	It is important that the purpose of each used breaker be identified so appropriate circuits can be readily de-energized during emergencies and so electrical maintenance activities can be safely conducted	Abated	
25	3/27/2008	On the service level	Air handling fan drive shafts in mechanical area	Machine guarding for air handlers RF-13, CVRF-15, CVRF-16, CVEF-14, and CVRF-17 on the drive shafts for these machines is inadequate because there are openings of 2 and 3 inches where the rotating shaft is not guarded There is openings where a person can have their fingers or hand contact the shaft	29 CFR 1910 219 (c)(2)	Install appropriate guarding over the drive shafts of each of these air handlers	Abated	
26	3/27/2008	SBC300	Wall electrical outlet across from the Grunley Room	An electrical outlet is loose in its mounting box	29 CFR 1910 303(a)	Tighten its screws to keep it safely positioned	Abated	
27	3/27/2008	SVC300	Electrical wall outlet across from freight elevator room	An electrical outlet is missing a face plate, exposing energized components.	29 CFR 1910 303(g)(2)(i)	A cover plate needs to be installed to prevent contact with energized wires and to confine molten metal in the event of an electrical failure	Abated	

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28	3/27/2008	On the service level	Elevator machinery room that is to the right of the freight elevator	Several unsealed penetrations of a fire barrier by pipes running through ceiling area above entrance are present	29 CFR 1910 37(a)(4)	Fire stopping materials need to be applied to openings to stop the potential spread of fire, smoke, or other hazards.	Will be abated	
30	4/2/2008	SVC221CR	Senate SCIF area electrical closet panelboard PSLH sec. 2	The directory (index) of circuit breakers in an electrical panel is not properly labeled, so it is not possible to readily determine areas controlled by individual breakers	29 CFR 1910.303(f)(2)	It is important that the purpose of each used breaker be identified so appropriate circuits can be readily de-energized during emergencies and so electrical maintenance activities can be safely conducted	Abated	
31	4/2/2008	SVC228	Electrical closet with panelboards LSLH, ELSH, EPSLH, and TSC4-4	The directory (index) of circuit breakers in an electrical panel is not properly labeled, so it is not possible to readily determine areas controlled by individual breakers	29 CFR 1910 303(f)(2)	It is important that the purpose of each used breaker be identified so appropriate circuits can be readily de-energized during emergencies and so electrical maintenance activities can be safely conducted	Abated	
32	4/2/2008	SVC232	A electrical wall outlet on left wall in entering restroom	An electrical wall outlet is loose in its mounting box The marble does not allow the outlet to properly seat on the box	29 CFR 1910.303(a)	Need to chip some marble away then tighten the outlet mounting screws to keep it safely positioned	Abated	
33	4/2/2008	SVC236CR	Electrical wall outlet in corridor across from exit stairway access door	An electrical wall outlet has a line left in its neutral connection and so outlet is damaged and cannot be used as is	29 CFR 1910 303(b)(1) & (2)	The line stuck in the wall outlet needs to be removed	Abated	
35	4/2/2008	HVC208CR	Exit signs that are mounted at the ceiling level	Exit sign cannot be seen because its view is obstructed by a wall column that projects out from the corridor wall	29 CFR 1910 37(b)(4)	Relocate exit sign or obstruction so that the exit sign can be seen without obstructions or install another exit directional sign to compliment it that can be seen	Will be abated	Will coordinate with Fire Marshal
35	4/2/2008	HVC215CR	Exit sign that is mounted at the ceiling level	Exit sign cannot be seen because its view is obstructed by wall projects that block the view	29 CFR 1910 37(b)(4)	Relocate exit sign or obstruction so that the exit sign can be seen without obstructions or install another exit directional sign to compliment it that can be seen	Will be abated	Will coordinate with Fire Marshal
36	4/2/2008	SVC210	Electrical wall outlet in the corner	An electrical outlet is loose in its mounting box	29 CFR 1910 303(a)	Tighten its mounting screws to keep it safely positioned	Abated	
37	4/2/2008	SVC203	Electrical floor outlet in the middle of room	Testing by the OOC indicates that an outlet has a false ground	29 CFR 1910 303(b)(1)	Evaluate this condition and make any necessary corrections to ensure that it is safe to use.	Abated	
38	4/2/2008	SVC219	Electrical wall outlet in a corner high on the wall for a TV	An electrical wall outlet high on the wall is loose in its mounting box	29 CFR 1910 303(a)	Tighten its mounting screws to keep it safely positioned	Abated	
39	4/2/2008	SVC200CR	Wall outlets near stainless steel sink	There are four electrical wall outlets within 6 feet of a stainless steel sink lacks GFCI protection Some outlets were as close as 1 to 2 feet away.	29 CFR 1910 304(b)(3)	The outlet needs to have GFCI protection, or be covered with a blank plate to prevent its use if its wiring is not de-energized	Abated	
40	4/2/2008	SVC234	Electrical wall outlets in the atrium area one by elevator lobby and one in the corner	Testing by the OOC indicates that an electrical wall outlet has high ground impedance, over 1 0 ohm	29 CFR 1910 303(b)(1)	Evaluate this condition and make any necessary corrections to ensure the outlet is safe to use	Abated	
41	4/2/2008	SVC329	Electrical wall outlet on the right hand wall close to the entrance door	Testing by the OOC indicates that an outlet has a false ground	29 CFR 1910 303(b)(1)	Evaluate this condition and make any necessary corrections to ensure that it is safe to use.	Abated	
42	4/2/2008	CVC230	Electrical wall outlet on opposite wall from entrance door	An electrical wall outlet is missing a face plate, exposing energized components	29 CFR 1910 303(g)(2)(i)	A cover plate needs to be installed to prevent contact with energized wires and to confine molten metal in the event of an electrical failure	Abated	

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Hazard No.	Observed Date	Location		OOC Finding	Applicable Standard	OOC's Proposed Solution	Abatement Status	AOC Comments
43	4/2/2008	(whole facility)	Exit stairways 6,7,8,9,10, and 48	A number of needed exit signs are missing	29 CFR 1910 37(b)(2)	An appropriate exit signs need to be installed to help facilitate emergency evacuation	Will be abated	Will coordinate with Fire Marshal
44	4/2/2008	SVC221C	Two electrical outlets near sink	Two electrical wall outlets within 6 feet of a sink lacks GFCI protection	29 CFR 1910 304(b)(3)	The outlets need to have GFCI protection, or be covered with a blank plate to prevent its use if its wiring is not de-energized	Abated	
45	4/2/2008	SVC216A	Slop sink between rooms SVC 216 A and SVC216B	An electrical outlet within 6 feet of a sink lacks GFCI protection	29 CFR 1910.304(b)(3)	The outlet needs to have GFCI protection, or be covered with a blank plate to prevent its use if its wiring is not de-energized, or it can be moved or removed	Abated	
46	4/2/2008	SVC200	Electrical wall outlet right side of door	An electrical wall outlet is loose in its mounting box	29 CFR 1910 303(a)	Tighten its mounting screws to keep it safely positioned	Abated	
48	4/2/2008	SVC228	Openings above the entry door	One or more unsealed penetration of a fire barrier is present above the entry doorway	29 CFR 1910 37(a)(4)	Fire stopping materials need to be applied to openings to stop the potential spread of fire, smoke, or other hazards.	Abated	
49	4/2/2008	CVC231	Bathroom sink has an electrical outlet nearby	An electrical outlet within 6 feet of a sink lacks GFCI protection	29 CFR 1910 304(b)(3)	The outlet needs to have GFCI protection, or be covered with a blank plate to prevent its use if its wiring is not de-energized	Abated	
50	4/10/2008	CVC147	Along left wall several panelboards EPLSK and CRTS 7,9, and 11	The directory (index) of circuit breakers in an electrical panel is not properly labeled, so it is not possible to readily determine areas controlled by individual breakers	29 CFR 1910 303(f)(2)	It is important that the purpose of each used breaker be identified so appropriate circuits can be readily de-energized during emergencies and so electrical maintenance activities can be safely conducted. The existing directories need to be updated	Abated	
50	4/10/2008	CVC147	Electrical closet has several panelboards LSLK, CRTS 14, 16 and 18	The directory (index) of circuit breakers in an electrical panel has no directory at all, so it is not possible to readily determine areas controlled by individual breakers	29 CFR 1910 303(f)(2)	It is important that the purpose of each used breaker be identified so appropriate circuits can be readily de-energized during emergencies and so electrical maintenance activities can be safely conducted	Abated	
51	4/10/2008	CVC123	Electrical wall outlet on the left side of sink	An electrical outlet within 6 feet of a sink lacks GFCI protection	29 CFR 1910 304(b)(3)	The outlet needs to have GFCI protection, or be covered with a blank plate to prevent its use if its wiring is not de-energized	Abated	
52	4/10/2008	CVC103	Electrical wall outlet on left wall near column	An electrical outlet is missing a face plate, exposing energized components	29 CFR 1910 303(g)(2)(i)	A cover plate needs to be installed to prevent contact with energized wires and to confine molten metal in the event of an electrical failure	Abated	
53	4/10/2008	CVC144	Electrical closet with panelboard TSC3-A6	The directory (index) of circuit breakers in an electrical panel is not properly labeled, so it is not possible to readily determine areas controlled by individual breakers It needs to be updated	29 CFR 1910.303(f)(2)	It is important that the purpose of each used breaker be identified so appropriate circuits can be readily de-energized during emergencies and so electrical maintenance activities can be safely conducted	Abated	
54	4/10/2008	SVC324C	Senate Gift Shop area NW display area	An electrical outlet is missing a face plate, exposing energized components	29 CFR 1910 303(g)(2)(i)	A cover plate needs to be installed to prevent contact with energized wires and to confine molten metal in the event of an electrical failure	Abated	
55	4/10/2008	SVC324C	Senate Gift shop NW area where a wall outlet is located	Testing by the OOC indicates that an electrical wall outlet has high ground impedance, over 1 0 ohm	29 CFR 1910 303(b)(1)	Evaluate this condition and make any necessary corrections to ensure the outlet is safe to use.	Abated	
56	4/10/2008	SVC324C	Senate Gift Shop area's wall outlet on left column	An electrical outlet cannot be used be used because a ground prong is broken off inside it	29 CFR 1910 303(b)(1) & (2)	The outlet needs to have the ground prong removed so the outlet can be placed in service.	Abated	

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57	4/10/2008	CVC153	Along the upper north wall	One or more unsealed penetration of a fire barrier is present	29 CFR 1910 37(a)(4)	Fire stopping materials need to be applied to openings to stop the potential spread of fire, smoke, or other hazards	Will be abated	
58	4/10/2008	CVC153	Along the west wall	One or more unsealed penetration of a fire barrier is present	29 CFR 1910 37(a)(4)	Fire stopping materials need to be applied to openings to stop the potential spread of fire, smoke, or other hazards	Will be abated	
59	4/10/2008	CVC117	Electrical wall outlet on the left wall	Testing by the OOC indicates that an outlet has a false ground	29 CFR 1910 303(b)(1)	Evaluate this condition and make any necessary corrections to ensure that it is safe to use	Abated - Ready for reinspection	
60	4/10/2008	CVC117	Electrical wall outlet on the right side of door	An electrical wall outlet is loose in its mounting box	29 CFR 1910 303(a)	Tighten its mounting screws to keep it safely positioned	Abated	
61	4/10/2008	CVC124	Inside electrical panelboard TSC3-A1 Sec 3	An electrical panel lacks a required dead front because the cabinet door is not able to be locked that covers this area	29 CFR 1910 305(d)(2)	Repair the cabinet door or otherwise close all openings, preventing accidental contact with energized components behind the cover	Abated - Ready for reinspection	
63	4/10/2008	CVC126	Electrical wall outlet across from room SVC-126	An electrical wall outlet is loose in its mounting box	29 CFR 1910 303(a)	Tighten its mounting screws to keep it safely positioned	Abated	
64	4/10/2008	CVC129	Electrical devices inside of furniture cabinet	Testing by the OOC indicates that an outlet has a false ground when the furniture equipment power line is plugged into the other connection on the outlet	29 CFR 1910 303(b)(1)	Evaluate this condition and make any necessary corrections to ensure that it is safe to use It looks like the furniture equipment wiring is causing the problem	Abated	
65	4/10/2008	SVC153A	Wall penetrations above the entrance door	One or more unsealed penetration of a fire barrier is present	29 CFR 1910 37(a)(4)	Fire stopping materials need to be applied to openings to stop the potential spread of fire, smoke, or other hazards	Will be abated	
66	4/10/2008	SVC156B	Wall penetrations above the door	One or more unsealed penetration of a fire barrier is present	29 CFR 1910 37(a)(4)	Fire stopping materials need to be applied to openings to stop the potential spread of fire, smoke, or other hazards	Will be abated	
71	4/18/2008	CVC257	Near women's restroom adjacent to the slop sink a wall outlet	An electrical outlet within 6 feet of a sink lacks GFCI protection There is a malfunctioning GFCI that does not work	29 CFR 1910 304(b)(3)	The outlet needs to have GFCI protection and the bad unit needs to be replaced with a working GFCI.	Abated	
72	4/18/2008	CVC225	Electrical closet panelboard SPHLB	The directory (index) of circuit breakers in an electrical panel is not properly labeled, so it is not possible to readily determine areas controlled by individual breakers	29 CFR 1910 303(f)(2)	It is important that the purpose of each used breaker be identified so appropriate circuits can be readily de-energized during emergencies and so electrical maintenance activities can be safely conducted.	Abated	
73	4/18/2008	CVC206	Electrical closet left wall from entrance door	An electrical wall outlet is loose in its mounting box	29 CFR 1910.303(a)	Tighten its mounting screws to keep it safely positioned	Abated	
74	4/18/2008	CVC206	Electrical closet panels TLG-1 and TSC-A1 sec 1	The directory (index) of circuit breakers in an electrical panel is not properly labeled, so it is not possible to readily determine areas controlled by individual breakers	29 CFR 1910 303(f)(2)	It is important that the purpose of each used breaker be identified so appropriate circuits can be readily de-energized during emergencies and so electrical maintenance activities can be safely conducted.	Abated	
75	4/18/2008	HVC237	Near the ceiling area of the entrance doorway	A needed exit sign is missing	29 CFR 1910 37(b)(2)	An appropriate exit sign needs to be installed to help facilitate emergency evacuation	Will be abated	Will coordinate with Fire Marshal

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76	4/18/2008	CVC228 SOUTH SEVERY	Two storage rooms beneath stairways near dining area	One or multiple fluorescent light tube(s) within 8 feet of the floor lack protective coverings or sleeves, enabling a tube to readily break and fall	29 CFR 1910 303(b)(2)	A protective covering or tube shield needs to be provided to keep a broken tube from falling and spreading glass around a work area	Abated	
77	4/18/2008	CVC133	House Orientation Theater's center section back row left side	Testing by the OOC indicates that an electrical wall outlet has a false ground	29 CFR 1910 303(b)(1)	Evaluate this condition and make any necessary corrections to ensure that it is safe to use	Abated - Ready for reinspection	
78	4/18/2008	CVC133	House Orientation Theater stage access stair lights	The access stair light fixture or bulb on each stair is not functioning, preventing the area from being adequately lit.	29 CFR 1910 303(a)	Repair or replace of the light bulb for each access stairway to the stage is needed in this area.	Abated - Ready for reinspection	
79	4/18/2008	SVC200CR	The sink that is next to the corridor has a wall outlet	An electrical wall outlet within 6 feet of a sink lacks GFCI protection	29 CFR 1910 304(b)(3)	The outlet needs to have GFCI protection, or be covered with a blank plate to prevent its use if its wiring is not de-energized	Abated	
80	4/18/2008	HVC236	Wall outlet on the left from the entrance door beneath the electrical panel	Testing by the OOC indicates that an electrical wall outlet has high ground impedance, over 1 0 ohm.	29 CFR 1910 303(b)(1)	Evaluate this condition and make any necessary corrections to ensure the outlet is safe to use	Abated	
81	4/18/2008	CVC227B Kitchen	Electrical wall outlets near various sinks in the food preparation areas	There are nine electrical outlets all within 6 feet of a sink lacks GFCI protection	29 CFR 1910 304(b)(3)	The nine outlets need to have GFCI protection, or be covered with a blank plate to prevent its use if its wiring is not de-energized	Abated	
82	4/18/2008	CVC227B Kitchen	Food serving area electrical outlets at stainless steel sinks	Two electrical outlets are within 6 feet of a sink lacks GFCI protection	29 CFR 1910 304(b)(3)	The outlet needs to have GFCI protection, or be covered with a blank plate to prevent its use if its wiring is not de-energized	Abated	
83	4/18/2008	CVC228 SEVERY	Cafeteria cash register island 3rd one from the end	An electrical outlet is loose in its mounting box	29 CFR 1910 303(a)	Tighten its mounting screws to keep it safely positioned	Abated	
84	4/18/2008	CVC228 SEVERY	First cash register area the door beneath	The cabinet door fell off when moved under the cash register. The door hinges had no screws installed.	29 CFR 1910 22(b)(1)	Replace the cabinet door and properly install it so as not to fall on the employee's leg or shin when working is being done in the area	Abated	
85	4/18/2008	SVC236CR	Along the left wall at an electrical wall outlet	An electrical outlet is loose in its mounting box	29 CFR 1910 303(a)	Tighten its mounting screws to keep it safely positioned	Abated	
86	4/25/2008	CVC200	Congressional auditorium's stairs to the stage on each side of stage	Each stairway to the Auditorium stage has five steps and each stairway lacks a handrail	29 CFR 1910 23(d)(1)	An appropriate handrail system needs to be installed	Will be abated	
87	4/25/2008	CVC201	Electrical closet panelboard TSC1-A1	The directory (index) of circuit breakers in an electrical panel is not properly labeled, so it is not possible to readily determine areas controlled by individual breakers	29 CFR 1910.303(f)(2)	It is important that the purpose of each used breaker be identified so appropriate circuits can be readily de-energized during emergencies and so electrical maintenance activities can be safely conducted	Abated - Ready for reinspection	
89	4/25/2008	HVC109	Condensate drain down to the electrical closet floor	An electrical closet is not designed to be an area where water is to be collected from a condensate drain above near the ceiling level and brought down to the floor level to a location where a bucket will not fit The drain is directly behind the door and leaves no room for a bucket	29 CFR 1910 303(b)(1)	Evaluate and eliminate the conditions that promote moisture inside electrical closet that could accumulate on the floor Redirect pipe drain to a place a bucket could be used to collect the water Need to keep the electrical closet floor dry	Will be abated	

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Capitol Visitor Center
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Hazard No	Observed Date	Location		OOC Finding	Applicable Standard	OOC's Proposed Solution	Abatement Status	AOC Comments
90	4/25/2008	HVC114	Double set of fire doors between two smoke zones	Fire doors swing against the direction of exit travel for building evacuation for the disabled employees and visitors. The swing of these doors was designed before the Cannon Tunnel exit was created, and now there is no need to people to evacuate in the direction the doors now swing.	29 CFR 1910.36(a)(2)	Install doors that swing in the direction of exit trave or otherwise meet the OSHA regulations □ These doors could use an automatic door opener for ADA purposes as one way to meet the requirements Doors need to close completely, latch, and remain closed unless there an automatic release mechanism is installed to allow doors to shut if alarms are triggered	Abated - Ready for reinspection	
91	4/25/2008	HVC120D	Electrical closet on upper level at panelboard PHUD panel DP-TLGH	The directory (index) of circuit breakers in an electrical panel is not properly labeled, so it is not possible to readily determine areas controlled by individual breakers	29 CFR 1910 303(f)(2)	It is important that the purpose of each used breaker be identified so appropriate circuits can be readily de-energized during emergencies and so electrical maintenance activities can be safely conducted	Abated - Ready for reinspection	
92	4/25/2008	HVC120D	Electrical closet upper level at panel EPHUC	The directory (index) of circuit breakers in an electrical panel is not properly labeled, so it is not possible to readily determine areas controlled by individual breakers	29 CFR 1910 303(f)(2)	It is important that the purpose of each used breaker be identified so appropriate circuits can be readily de-energized during emergencies and so electrical maintenance activities can be safely conducted	Abated - Ready for reinspection	
93	4/25/2008	HVC102	Electrical wall outlet near sink	An electrical outlet within 6 feet of a sink lacks GFCI protection	29 CFR 1910 304(b)(3)	The outlet needs to have GFCI protection, or be covered with a blank plate to prevent its use if its wiring is not de-energized, or it can be moved or removed.	Abated	
95	4/25/2008	CVC126CR	Hallway electrical wall outlet near the South Gift Shop	An electrical outlet is missing a face plate, exposing energized components	29 CFR 1910 303(g)(2)(i)	A cover plate needs to be installed to prevent contact with energized wires and to confine molten metal in the event of an electrical failure	Abated	
96	4/25/2008	HB11C	Access double doors to the Capitol Building	This set of doors are not to be used as an exit and at present they are marked as such. They could be mistaken for an exit door and they need to be marked with a sign indicating NOT AN EXIT or indicating its intended use	29 CFR 1910 37(b)(5)	Install one or more NOT AN EXIT sign(s), making it clear to people that they are not to attempt to exit the building or structure though that door during an evacuation.	Will be abated	Will coordinate with Fire Marshal
97	4/25/2008	CVC101	Electrical wall outlet to the left of the entrance door	An electrical outlet is loose in its mounting box	29 CFR 1910 303(a)	Tighten mounting its screws to keep it safely positioned	Abated	
98	4/25/2008	CVC108	Electrical wall outlet to the left side of entrance	An electrical outlet is loose in its mounting box	29 CFR 1910 303(a)	Tighten its mounting screws to keep it safely positioned	Abated	
99	4/25/2008	HVC116	In the makeup room an electrical wall outlet near sink	An electrical outlet within 6 feet of a sink lacks GFCI protection	29 CFR 1910 304(b)(3)	The outlet needs to have GFCI protection, or be covered with a blank plate to prevent its use if its wiring is not de-energized	Abated	
100	4/25/2008	CVC137	Fire sprinklers in the ceiling area of the room	The fire sprinkler's fusible area of one or more fire sprinkler heads is painted, changing their rated trigger temperature and potentially delaying head activation	29 CFR 1910 37(a)(4)	Replace the painted fire sprinkler head(s).	Abated	
101	4/25/2008	H107	Baseboard component covering electrical outlet wiring	A section of the baseboard cover of electrical raceway is displaced, exposing energized wires	29CFR1910 303(g)(2)	The section of baseboard cover needs to be replaced or re-mounted so energized wires are shielded	Abated	

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Hazard No	Observed Date	Location		OOC Finding	Applicable Standard	OOC's Proposed Solution	Abatement Status	AOC Comments
102	4/25/2008	H100G	Electrical wall outlets by Health Unit's sinks	Five electrical outlets within 6 feet of sinks in this Health Unit area lacks GFCI protection	29 CFR 1910 304(b)(3)	The outlet needs to have GFCI protection, or be covered with a blank plate to prevent its use if its wiring is not de-energized	Abated	
103	4/25/2008	H100G	Electrical wall outlet near sink area in X-ray room of the Health Unit	An electrical outlet within 6 feet of a sink lacks GFCI protection	29 CFR 1910 304(b)(3)	The outlet needs to have GFCI protection, or be covered with a blank plate to prevent its use if its wiring is not de-energized	Abated	
104	4/25/2008	HVC133	Door leads into Capitol Building	Needs "Not an Exit" sign	29 CFR 1910 37(b)(2)	Facility designed so that occupants would not exit into Capitol Bldg during emergencies.	Will be abated	Will coordinate with Fire Marshal
105	5/1/2008	SVC169	Electrical room at panels LSUF and SPSUF	The directory (index) of circuit breakers in an electrical panel is not properly labeled, so it is not possible to readily determine areas controlled by individual breakers	29 CFR 1910 303(f)(2)	It is important that the purpose of each used breaker be identified so appropriate circuits can be readily de-energized during emergencies and so electrical maintenance activities can be safely conducted	Abated	
119	5/1/2008	HVC100CR1	Entering from public area the reception area on right side	A needed exit sign is missing	29 CFR 1910 37(b)(2)	An appropriate exit sign needs to be installed to help facilitate emergency evacuation	Will be abated	Will coordinate with Fire Marshal
120	5/1/2008	SVC172	Exit route to the Capitol Building that is secured	A door that could be mistaken for an exit door needs to be marked with a sign indicating NOT AN EXIT or indicating its intended use At present this doorway has an exit sign over the entrance, the USCP has it locked, and it is not intended to be an exit.	29 CFR 1910 37(b)(5)	Install one or more NOT AN EXIT sign(s), making it clear to employees that they are not to attempt to exit the building or structure though that door during an evacuation	Will be abated	Will coordinate with Fire Marshal
121	5/1/2008	CVC1 Stair_45	Upper level of stairway hole in stairway wall	One unsealed penetration of a stairwell fire barrier reduces the fire rating of the exit stairwell, potentially impeding evacuees during an emergency There is a condensate line in the hole that needs sealing around it	29 CFR 1910 36(a)(2)	Fire stopping materials need to be applied to openings to stop potential spread of fire, smoke, or other hazards	Will be abated	
121	5/1/2008	CVC1 Stair_45	Upper level leading to Senate subway steam pipe support	Pressure piping for steam pipe-supporting structures are not being inspected and evaluated to assure their safe, serviceable condition This badly rusted pipe support does not look to be in serviceable condition	Nat Brd Insp Code RB 3400	Pipe-supporting structures need to be maintained in serviceable condition Evaluate and correct the condition problems of this pipe support Maintain a record of all inspections, findings, and corrections.	Will be abated	
123	5/1/2008	CVC120	Jefferson tunnel point where the direction changes	A needed exit sign is missing. At present on the other side of this sign is marked as an exit to go towards the CVC, however, there is an exit coming from the other direction at the Jefferson Building interface	29 CFR 1910 37(b)(2)	An appropriate exit sign needs to be installed to help facilitate emergency evacuation for those going towards the Jefferson Building ramp	Will be abated	Will coordinate with Fire Marshal
124	5/1/2008	East Front CVC Gallery Level	At both ends of the corridor	Exit lights are not lit	29 CFR 1910 37(b)(2)	Repair or activate lights.	Abated - Ready for reinspection	

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Hazard No	Observed Date	Location		OOC Finding	Applicable Standard	OOC's Proposed Solution	Abatement Status	AOC Comments
125	5/1/2008	CVC Gallery Level	East front both ends of the corridor at ceiling area	At present there are exit signs on doors that go into the Capitol Building, however, we are told that there will be no evacuations into the Capitol Building If this is going to be the norm then these signs need to be removed as they could be mistaken for an exit door. These doors then need to be marked with a sign indicating NOT AN EXIT or indicating its intended use	29 CFR 1910 37(b)(5)	Install one or more NOT AN EXIT sign(s), making it clear to employees that they are not to attempt to exit the building or structure though that door during an evacuation	Will be abated	Will coordinate with Fire Marshal
126	5/1/2008	CVC Gallery Level	The suspended light fixtures over the stairs	The suspended light fixtures over the stairway or walkway is not functioning properly They are flickering on and off probably due to bad ballast, preventing the area from being adequately lit	29 CFR 1910 303(a)	Replace or repair the lighting fixtures to provide the needed light in this area	Abated - Ready for reinspection	
142a	5/21/2008	(whole facility)	Entire Facility	Require approved emergency action plan and any necessary access and egress modifications to the CVC necessary to accommodate individuals with disabilities	28 CFR Prt 36 AppA 4 13.11(1) and 29 CFR 1910 38	Under discussion for proposed solution	Awaiting approved plan and proposed modifications	AOC position emailed to OOC on 6/6/08 and Fire Marshal raised concerns about having power assists on doors forming the enclosure of areas with smoke control systems Costs for adding door operators on 6 pairs of doors is approximately $90,000.
142b	5/21/2008	(whole facility)	Interior doors	All non-fire doors used by the public must be able to be opened with 5 pounds or less of pressure to a point where there is 32" of clear passage	28 CFR Prt 36 AppA 4 13 11(2)(b); 4 13 5	Doors must be adjusted so that the force to open the doors is 5 lbf or less	Will be abated	
143	5/21/2008	(whole facility)	ADA staging areas designated by the USCP committee	Accessible exit route(s), including staging areas do not presently have signage marking these areas on the floors in this building Braile signage at exit stairways is included in this finding	NFPA 101-2000 LSC 7 10 1 4	Install signs showing the accessible egress route(s), including the location of staging areas, exit stairways for the blind and/or discharge points Wall maps would be of help showing the locations of these important features in the building for those disabled persons and those assisting them	Will be abated	
145	5/21/2008	ELEV 14	ADA ramp to and from Auditorium behind elevator 14	The slope of the ramp is greater than 8 3% or 1 12 and not in compliance with the requirements for new buildings This ramp will be used for ADA access to the Congressional Auditorium and for emergency evacuation to the staging area at elevator 14	28 CFR Prt 36 App A 4 3 7	Modify the ramp so its slope does not exceed 8 3% or 1 12 as it will be used for access to the Auditorium and for emergency evacuation from the same	Will be abated	A professional survey confirmed that the slope is unacceptable Contractor to repair.
146	5/21/2008	ELEV 26	ADA exit route to the Senate subway tunnel	The slope of a corridor ramp is greater than 8 3% or 1:12 This ramp is part of the ADA exit route to the Senate subway tunnel	28 CFR Prt 36 App A 4 3 7	Modify the ramp so its slope does not exceed 8 3% or 1:12	Will be abated	A professional survey confirmed that the slope is unacceptable Contractor to repair

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Hazard No	Observed Date	Location		OOC Finding	Applicable Standard	OOC's Proposed Solution	Abatement Status	AOC Comments
148	5/21/2008	Freight Elevator	Access points for the USCP on the Upper and Lower levels to freight elevator control panel	Emergency evacuation cannot be properly implemented where the USCP officer can not gain access to the elevator control panel There are no pull handles or thumb pulls for the officer to use to open the decorative freight elevator doors on the upper and lower levels of the building	29 CFR 1910 38(e)	USCP officers need to be provided at least a thumb pull means to gain access to the freight elevator control panel so as to use for ADA emergency evacuation. Emergency Plan calls for the freight elevator to be used as a staging and evacuation means for the ADA persons	Will be abated	
150	5/8/2008	HB11C	Near elevator 3 a metal grating in pathway to double doors to Capitol Building is an ADA concern	An abrupt change in level of surfaces in metal grating covering the floor exceeds 0 5 inch This metal grating is in front of the pathway towards the double doors into the Capitol Building, and it has 3 5 by 75 inch openings and one part is bent down below the other by 75 inches This will be a problem for legislative branch wheelchair bound employees	28 CFR Prt 36 App A 4 5 2	Replace the metal grating that is bent down or otherwise modify the joint to eliminate the excessive change in level Change needs to be made level	Will be abated	
151	5/8/2008	ELEV 23	Electrical closet near elevator 23	An energized electrical junction box in a limited access area is missing its cover plate, exposing energized wires	29 CFR 1910.303(b)(2)	Install a cover plate to prevent contact with energized wires and to confine molten metal in the event of an electrical failure	Will be abated	
152	5/8/2008	ELEV 23	Electrical closet has a mounted junction box on wall	An energized electrical junction box in a limited access area is missing its cover over an open knockout in the metal junction box, exposing energized wires	29 CFR 1910 303(b)(2)	Install a cover plate over the open knockout to prevent contact with energized wires and to confine molten metal in the event of an electrical failure.	Will be abated	
153	5/8/2008	ELEV29	Near elevator 29 the Rollup Overhead Main Fire Door on the west side of the CVC	The overhead rollup fire door has damaged electrical wiring that is used to energized electrical equipment limit switches and others The wiring is frayed and in need of repair or replacement This condition could cause an electrical shock upon contact	29 CFR 1910 303(a)	Repair electrical equipment, provide durable enclosing energized wires or contacts and return it to serviceable condition, or replace the equipment	Will be abated	
154	5/8/2008	ELEV 05	Egress ramp for ADA access near elevator 5 into the Capitol Building from the CVC or the reverse	This ramp on an accessible route to the Capitol Building is not compliant because it is too steep on several segments of the ramp The top ramp has a slope of 13% or greater, and a switch back ramp the fourth from the bottom has a slope of 9 4% or greater and they are non-compliant with ADA requirements	28 CFR P36 App A sec 4 8	Responsible office must make corrections to the existing ramp to bring it into compliance with the applicable requirements This ramp can be used for emergency evacuation for some persons and an accessible route for others coming from the Capitol Building.	Will be abated	
156	5/8/2008	CVC120	Jefferson Tunnel accesss ramp for ADA access	The Jefferson tunnel lower ramp bottom area slope of this ramp is greater than 8 3% or 1 12 The upper half of this lower ramp is OK	28 CFR Prt 36 App A 4 3 7	Modify the ramp so its slope does not exceed 8 3% or 1 12 throughout its length	Will be abated	Will be corrected during terrazzo installation
157	6/10/2008	CVC Loading Dock	Driveway access to the loading dock about halfway in has an exit door	A needed exit sign is missing	29 CFR 1910.37(b)(2)	An appropriate exit sign needs to be installed that can be seen from both directions to help facilitate emergency evacuation.	Will be abated	
158	6/10/2008	CVC Loading Dock	Driveway into the loading dock area near exit about halfway into the tunnel	The fire alarm system lacks audible and/or visual alerting device in this area as the one there has been broken from its mounting and is not known to be working	29 CFR 1910 37(a)(4)	The alerting system device needs to be repaired or replaced so as to provide for proper alerting mechanisms in this area.	Will be abated	

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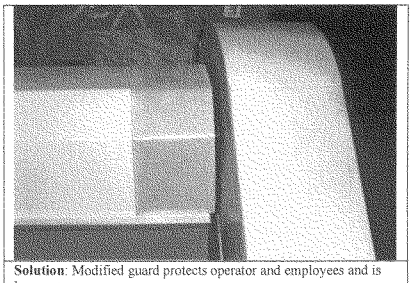
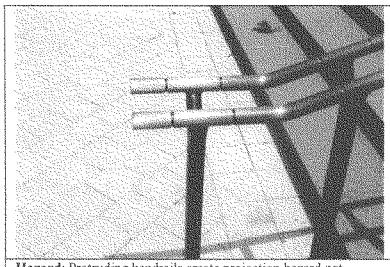
Office of Compliance CVC Pictures

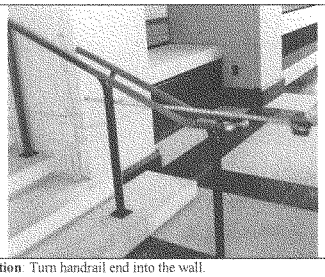
Hazard: Exposed rotating shaft not compliant with 29 CFR § 1910.212(a)(1).



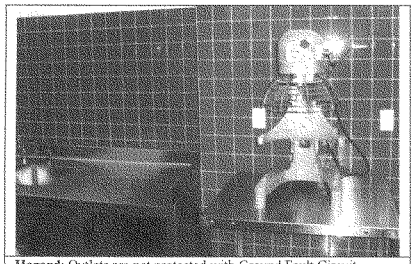
Solution: Modified guard protects operator and employees and is low cost.



Hazard: Protruding handrails create projection hazard not compliant with 29 CFR § 1910.23(e)(5)(i), 2000 NFPA 101 7.2.2.4.5, ANSI/ASSE A1264.1-2007 Section 5.8 and ASTM E 985-00 Section 4.3.2.



Solution: Turn handrail end into the wall.



Hazard: Outlets are not protected with Ground Fault Circuit Interrupters, which are required in kitchens due to wet floors by 1999 NFPA 70E Section 110-10.
Solution: Install low cost GFCI outlets in the kitchen and near all water sources.

Hazard: Telephones at staging areas are locked, prohibiting use.
Solution: Change lock on cover into a knob or handle that is compliant with 28 CFR Part 36 Appendix A Section 4.27.4.

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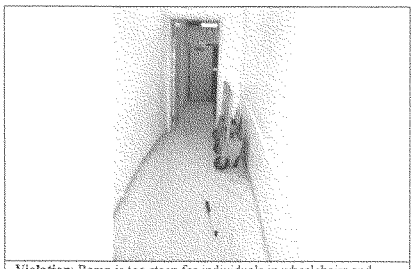
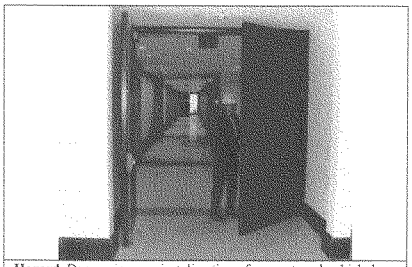
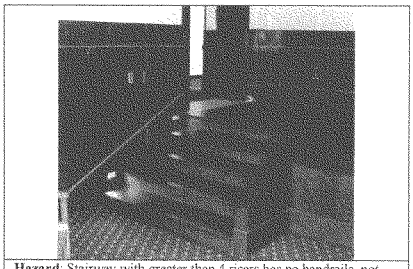
Office of Compliance CVC Pictures



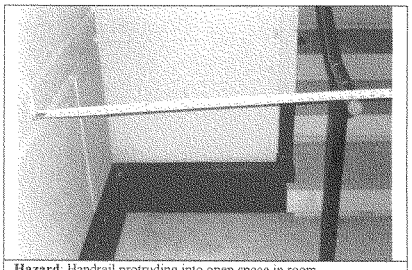
Violation: Ramp is too steep for individuals in wheelchairs and does not comply with 28 CFR Part 36 Appendix A Section 4.8.2.
Solution: Regrade ramp equal to or less than 8.3% grade.



Hazard: Door swings against direction of egress travel, which does not comply with 2000 NFPA 101 7.2.1.4.2.
Solution: Rehang door to swing in the direction of egress travel.



Hazard: Stairway with greater than 4 risers has no handrails, not complying with 29 CFR § 1910.23(d)(1).
Solution: Install handrails compliant with 29 CFR § 1910.23(d)(1).



Hazard: Handrail protruding into open space in room.
Solution: End handrail at bottom riser and make compliant with 29 CFR § 1910.23(e)(5)(i), 2000 NFPA 101 7.2.2.4.5, ANSI/ASSE A1264.1-2007 Section 5.8 and ASTM E 985-00 Section 4.3.2..

BUS TRANSPORTATION PLAN

Ms. WASSERMAN SCHULTZ. I want to start my questions on the bus transportation plan, because I think there is a universal concern in this committee about what those plans are and a tremendous amount of angst that I know I have as far as the drop-off points, the distance that our constituents will have to walk, the uncertainty that still seems to exist, and your progress on the potential alternative options.

During the public witness hearing that we had, the tour association came and testified and made a suggestion to us about prescreening buses, dropping off luggage and other items that are in the belly of the buses at the hotels prior to coming to the CVC, which would speed screening once they get to a drop-off point. So I have a question for both you, Ms. Rouse, and you, Chief Morse.

Ms. Rouse, I had a chance to meet with you in my office, and I know Mr. Latham did as well, to be briefed on the progress on the busing plan. There are three things I really want to focus on, because I am concerned that we are all over the place when it comes to how we are going to proceed.

DROP-OFF POINTS

Right now, from the conversation that we had, my understanding is that the main drop-off point for the CVC visitor will be the West Front. Is that correct?

Ms. ROUSE. That is correct, yes.

Ms. WASSERMAN SCHULTZ. Okay. And that is the main drop-off point right now for the Capitol and you have some sort of rickety shuttles or golf carts that you use now to bring the disabled up and around to the East Front. Will the West Front, with the influx of additional visitors, be able to accommodate all the visitors as far as being a primary drop-off point?

Also, how are you planning to use Union Station? Because before our conversation—I am not sure Mr. Latham was in the same place—I was left with a very different impression at the other hearing, when we spoke about the bus plan with you, on what your plans were for Union Station. Because it certainly sounded at that hearing like you were using Union Station as a primary drop-off point, and our conversation led me to believe that that is not the case.

The other issue, the issue you alluded to in your remarks, is how you plan to deal with people who aren't disabled that may have trouble getting up the hill, that are dropped off at the West Front.

And then the distance between Union Station and the CVC.

I just asked all my questions up front, and you can feel free to answer them all.

Ms. ROUSE. Jump right in, okay.

We did—after we had our discussion last week, we went and did a little bit more homework on the golf carts that we currently have and getting proper equipment. And we were able to secure sort of an estimate that to get a golf cart that is not really a golf cart, but it is a vehicle that has the ability to accommodate wheelchairs and people who have some mobility——

TRANSPORTATION DIFFERENTIATION

Ms. WASSERMAN SCHULTZ. Golf cart is sort of an open-air kind of thing. Do you mean a tram? Do you mean like a shuttle?

Ms. ROUSE. In between the golf cart and the tram there is another vehicle that looks more like a golf cart, but is not quite a tram. It is still a plug-in and it is still electrical.

So we were able to get an estimate for that that ranged from a basic model at $9,000 to about $17,000 for one that has, you know, a windshield and some way to protect people on the side——

Ms. WASSERMAN SCHULTZ. How many people do those hold?

Ms. ROUSE. I think it is about 20 people per vehicle. We did know that typically we can run two to four of those during the course of a day, and that would meet the need. With increased attendance anticipated, if we had up to six of them, then the Visitor Assistants could run them as needed.

Now, the way it typically works, we will hopefully have more Visitor Assistants on the grounds, if someone gets off the bus or someone comes to the West Front and says, "I am not able to walk around the corner" and they are not in a wheelchair, we can accommodate them. Having more vehicles will allow us to do that.

As it is now, people who are mobility challenged are the ones who get first choice. We should be able to accommodate a few other people. Will we be able to accommodate large numbers? No. But we will be able to increase the number of people coming through.

That was the result of that exercise.

Ms. WASSERMAN SCHULTZ. At the next hearing can you bring examples, visual examples of the types of vehicles you are talking about?

Ms. ROUSE. Yes, ma'am.

The way we were going to use Union Station; what we discovered in our conversation was sort of a misunderstanding, shall we say. Union Station was a discussion piece that we were using because of our involvement with DDOT on how the whole community is going to respond to this influx of people coming to the Capitol Visitor Center. So we knew of the N22 bus, we knew of the Circulator bus, and we knew there was some interest on the part of some of the bus companies to use the docking ports at Union Station. So we put that forward as an option that we could describe to bus companies and to visitors that they could get off at Union Station and come down if they wanted to, or they could be dropped off at the West Front, go park at Union Station and then their various visitors would know where they are.

We have since even had a further discussion. So if the bus companies wanted to use Union Station to park, and they wanted to have their guests come down on a bus, it would cost them 35 cents if they were already on Metro; if not, it is $1. It is an option that is there for them if they are going to do that, so it is not mandatory.

We are asking people to continue what they have been doing, to drop them off on the West Front.

So that is that array of questions. I do not know if I caught them all.

VISITOR TRAFFIC FLOW

Ms. WASSERMAN SCHULTZ. My time is very expired, but just the last piece of it was whether the West Front could handle the increase in visitors.

Ms. ROUSE. I believe from discussions with the Capitol Police just on a tentative level, I think it can manage the number of buses coming in and out.

But I think what has happened today, in further conversations, I think we will be able to provide more information to our colleagues with the Capitol Police to let them know how many buses are going to be arriving on a given day, because that information will be wrapped up into our Advance Reservation Systems. So they will pose questions to us, and we will report back to them and make sure that we are well coordinated on what we are anticipating the bus flow to be into the West Front.

Starting this month, we are actually testing with the Guide Service the Advance Reservation System, so we can begin to get an understanding of how it is going to operate and begin to see which fields of information we will be able to grab and utilize for their purposes. It also may have shed some light on any security concerns that we might have as well.

So I think it has engaged us in a more active conversation with the Capitol Police.

Ms. WASSERMAN SCHULTZ. Okay.

I will come back to you, Chief Morse, on my next round.

Mr. Latham.

Mr. LATHAM. Thank you, Madam Chair. I think we are both still frustrated somewhat. What we would like to see, obviously, is a system where we could get people up to the door and not have the total meltdown I think we are looking at.

U.S. CAPITOL POLICE OPERATIONAL CONCEPTS—BUS SCREENING

Chief, you noted in your statement you are continuing to work with the Architect and D.C. Transportation on efficient transport of people to the CVC. You also note that you developed two operational concepts for screening buses, and you are reviewing your needs associated with those plans.

Can you tell us today—if you have found an efficient way of screening the buses so that they could actually go up and drop the passengers on the east side?

Chief MORSE. We are currently working with—at the direction of the Capitol Police Board, along with the AOC—on four options that are inclusive of location and the type of screening required, the technology required, the FTE, and any costing associated with that, or risk or impact to the selected screening site. And we hope to have that prepared by July 21st for their review.

Mr. LATHAM. July——

Chief MORSE. July 21st for their review.

Mr. LATHAM. Okay. I think we need to note what comes out of that at the time also.

GOLF CARTS—VISITOR FACILITATION

As far as the carts are concerned, it is still of great concern to me to think about people getting off down there, in big numbers, to be able to facilitate all those people. Ms. Rouse, are there any other options out there yet, or is what you gave us in our hearing, is that——

Ms. ROUSE. I think the options that we gave you are the ones that we currently have. There are seven variations on that theme.

Mr. LATHAM. Are you working with the Chief, at all, as far as different options?

Ms. ROUSE. Yes, we are working with him. They have sat with us through all of our hearings, actually. So we are all pretty much gathering the same type of information and bringing forth issues as they arise.

Mr. LATHAM. With all the carts, where are you going to store those when they are in off-hours, and where are they going to be plugged in? Or is this going to look like a cart parking lot out here?

Ms. ROUSE. I will let Mr. Ayers take that one.

Mr. AYERS. I think we would store those in one of the parking garages, either the Russell underground garage or the Rayburn parking garage.

Mr. LATHAM. Your option of putting them on the street, how safe is that? Is that a major concern to the Chief in having open-air vehicles running around on the streets with the traffic?

Chief MORSE. The proposed routes that we have talked about are within the protected perimeter of the complex itself, and are not, I believe—the types of carts they are speaking to right now would not be vehicles that would be on the street.

Mr. LATHAM. That is one option, though.

Chief MORSE. I believe that is an option—one of the options, yes.

Mr. LATHAM. Twenty-six?

WEST FRONT BUSING OPTION

Mr. AYERS. For clarity, there is an option, I am not sure we have talked about it here today yet, but there is an option of unloading buses on the West Front, loading people into trams, and driving those trams around Capitol Square, which is First Street, up Constitution, back south on First Street on the east side, drop people off on the front of the Visitor Center entrance on the east side, and then back down Constitution and turn right on First Street and make that clockwise loop all day long traveling in that fashion.

So that is one of the options that is on the table as well.

[The information follows:]

Hearing on the Capitol Visitor Center
July 8, 2008 at 7:00 PM
U.S. Capitol, Room - H140

Questions for the Record from
The Honorable Barbara Lee, Vice Chair
Subcommittee on the Legislative Branch, Committee on Appropriations
U.S. House of Representatives

Transportation Plan

Question. During discussion of the proposed transportation plan for the CVC, there was mention of the possibility of a tram that would run continuously around the perimeter of the Capitol square.

Would it be possible for this tram to include Union Station in the route, because not all visitors to the CVC will be dropped off by tour buses at the West Front?

Answer. It would be possible, but there are implications to be considered. First, these types of trams are generally used in tourist attraction parking lots or on-site. They are also low-speed, open, and are not designed to operate on public streets for more than short distances. Using them on busy streets could cause serious traffic congestion. Second, the Union Station route used by the Circulator and D.C. buses is lengthy. In order to be effective, the trams would need to pull additional trailing cars. This increases the traffic congestion potential and raises safety concerns. The only way to shorten the route would be to give the trams free access along First Street, N.E. This raises security issues as this street goes directly between the Russell and Dirksen Senate Office Buildings and is not open to the public. Third, serving all destinations with one route would increase cycle time to an unacceptable level. Additional trams would need to be added or there would need to be two distinct tram routes including one serving the West Front and a second serving Union Station.

The East Front Transportation Action Committee is examining bus drop-off options, as well as the Circulator option and the viability of operating a tram. This committee includes representatives from the House Sergeant at Arms Office, Senate Sergeant at Arms Office, U.S. Capitol Police, Library of Congress, AOC Capitol Grounds Division, and the CVC. The committee is analyzing transportation options in terms of logistics, security, impact to traffic and the environment, and customer service. On security issues, the committee is working very closely with the U.S. Capitol Police. Note that, at this time, there are no funds appropriated to purchase or operate a tram. By the end of July, the committee will provide data that will assist stakeholders in making a decision regarding CVC transportation options.

A

Mr. LATHAM. Okay. I think that is it for now. Go ahead. Thanks.

Ms. WASSERMAN SCHULTZ. Mr. Ruppersberger? He is gone.

Mr. Honda.

EMERGENCY PROCEDURES—ANTICIPATED LOGISTICS

Mr. HONDA. Thank you, Madam Chair.

First of all, I have some questions that I have written out, and I want to transmit to your staff prior to the July 10th meeting regarding July 10th's theme of emergency procedures and everything else like that. I want to, in anticipation of that meeting, let you know that we will be sharing the questions to all of you; and hopefully, there will be some responses on the July 10th meeting.

I guess I just share the same sentiments as the other members. I guess one basic question, being new and everything with the whole issue of parking and traffic and the access of charter buses and other buses, storage of the shuttles or golf carts, whatever you want to call them, were all these issues anticipated a few years ago in the planning of CVC? It is just a question I have in my mind.

Mr. AYERS. Well, certainly as the CVC was designed, it was originally designed to drop people off on the East Front of the Capitol. So those transportation issues and trams were never on the table several years ago, because it was not an issue at that point.

Mr. HONDA. How was it not an issue?

Mr. AYERS. It only became an issue when the Capitol Police Board directed that buses, unscreened buses not be allowed on Capitol Square.

And that was implemented a year ago, Chief?

Chief MORSE. Yes, December, I believe.

Mr. AYERS. Approximately a year ago. So since then——

Mr. HONDA. And this project was initiated after 2001? Or was it prior to 2001?

Mr. AYERS. It was prior to 2001.

Mr. HONDA. And so from 2001 to last year, it took all this time for this concern to come to surface?

DEPARTMENTAL COMMUNICATION

I guess the thing I am concerned most about is our cooperation between the different departments and agencies and that we do not compartmentalize ourselves so much that we are not, you know, working on the same things, same project in cooperation with each other so that we can, you know, anticipate that.

It seems like one of the main functions of the Architect's Office is to think of all these things and bring them all together. Not putting it on yourself, Mr. Ayers, but just in the process. Hopefully, the things we are doing today are incorporating that process or that cooperation so that we have—you know, we avoid a lot of these questions and have the responses, reports given to us in the context of, you know, working with each other and anticipating these kinds of situations.

Thank you, Madam Chair.

Ms. WASSERMAN SCHULTZ. Thank, Mr. Honda.

Mr. LaHood.

VACATED STREETS AND BUS SCREENINGS

Mr. LAHOOD. Given the fact that the street, or the street between Russell and Dirksen is vacated, and the street that runs along the Library of Congress and Cannon is vacated, have you given any thought to vacating the rest of the street? Screening buses maybe between—having the buses pull between Russell and Dirksen, screen them there, and then have them pull up on a vacated street, which would basically be in front of the Supreme Court, Library of Congress, drop people off there and then proceed on?

Have you thought about the idea of vacating the rest of that street, using the vacated streets as screening, and then having the buses pull up and drop people off?

Chief MORSE. There are certain risks and impacts to allowing buses that close to the Capitol complex without them being screened. The recommendations that we are going to provide, the various four options, have consideration for the risks or impacts related to the complex itself for allowing proximity with regards to any large vehicle, including buses. So the recommendations consider all the risks to the complex, the buildings, and other government buildings and neighborhoods around the complex itself.

So we have considered all those factors in determining what is the best location to provide——

Mr. LAHOOD. Have you considered vacating the street in front of the Visitor Center?

Chief MORSE. For screening?

Mr. LAHOOD. For anything. For dropping people off so that you could——

Chief MORSE. Yes.

Mr. LAHOOD [continuing]. A number of buses could pull up there, drop people off, and you could keep traffic moving.

Chief MORSE. Yes, absolutely.

The original—I guess the original design, and as you can visually see, are large cut-out areas for vehicles and buses for both drop-off and pick-up on First Street on the west curbside. But since the restriction has taken place, then that is just left to be for any vehicles that are either screened or currently authorized to drop off and pick up.

CLOSED SESSION REQUEST

Mr. LAHOOD. Well, I will just put it this way. If cabs can come as close to the Capitol as they can in front of Longworth and Cannon and Rayburn—now I know a cab is not as big as a bus, but you could pack as much explosives, if that is what you are worried about, in a cab as you could in a bus, and there is no screening of those vehicles.

Chief MORSE. If I could have a closed session with you, I could present to you materials that would be able to answer your question.

Mr. LAHOOD. I understand.

Ms. WASSERMAN SCHULTZ. Would the gentleman yield?

Mr. LAHOOD. Yes.

Ms. WASSERMAN SCHULTZ. We have a closed session with the Chief on Thursday morning. So if you want to come prepared on Thursday morning to answer those kinds of questions as well. I know that session is——

Mr. LAHOOD. The truth is—the truth is that you really have not figured out a very good plan for people to get into the Visitor Center. Is that accurate?

Whoever wants to answer it.

Mr. AYERS. I am happy to do that.

I think the plan that we have developed is the best with what we have before us. The best plan, of course, is to drop them off right at the front door.

Mr. LAHOOD. That goes to my point about vacating the street and figuring out a way to screen the buses—maybe screen them down below if you can't screen them on top—vacate the street and drop them off there. You would not have to have any carts for handicapped people. They could get off of the bus and walk into the entrance.

Look it, this is a patchwork plan that simply is not going to work. There is nobody at this dais that believes that what you have done—and look it, I am not being—but this is a patchwork of an old system, old vehicles, old way of doing things.

VISITOR TRAFFIC—ALTERNATIVE CREATIVE SOLUTIONS

Now we have a new Visitor Center, $700 million. You need to figure out a new way, a different way, a creative way of dropping people off rather than trying to patchwork a whole bunch of things together. There is nobody here that believes that this is going to work. I am not even sure you believe it, because it is not finalized, number one. And it is a patchwork of some old means of transportation and, you know, trying to come up with some different ideas.

You know, it is going to be mass chaos. It is. And I just think you need to have a much better plan.

Let me just ask one other question, Chief; and that is, if you had to vacate the Visitor Center because of an emergency, what mechanisms are in place to do that? Say you have several hundred people there, including Members of Congress and visitors, what is going to happen if you need to evacuate immediately the way that you have needed to evacuate Longworth or Cannon or the Capitol?

Chief MORSE. It certainly depends on the situation.

Mr. LAHOOD. I will give you an example.

Chief MORSE. Okay.

ANNUNCIATOR NOTIFICATIONS

Mr. LAHOOD. When the annunciators go off in our offices and people are streaming out of the Longworth Building, everyone assumes there is some kind of an emergency. If that same situation occurred at the Visitor Center, how would people begin to stream out and how would they know that they needed to get out of the Visitor Center?

Chief MORSE. Well, if the evacuation is ordered, then, in fact, you would hear the alarm sounding and the lights flashing, and the building would be evacuated through the various exit points. And they would be evacuated within the secure perimeter to designated

assembly areas. With the pre-alarm system that we have in the Capitol Visitor Center as well as the Capitol, it gives us the opportunity to assess a threat first before we were to evacuate people out into an unknown threat.

So we also have plans to be able to lock down, defend the building or the complex, as well as shelter in place. So we have plans for all those various situations, and we planned accordingly, with the fire system itself, in order to ensure the safety of the people in the complex as well as outside.

CVC EMERGENCY PREPAREDNESS

Mr. LAHOOD. One of the reasons, if I have more time here—one of the reasons that the evacuation system works, at least in the office buildings, is because people in these offices have been trained, they know where to go, they know the designated areas where they are to go. There is an annunciator that tells them to get out.

And what I want to know is, how are common, ordinary citizens who come to visit the Capitol to have any idea where to go, where to gather, where to congregate? And are there annunciators that will announce to people that they need to get out of the building?

Chief MORSE. First, it is the same protocol that we have in the office buildings and the Capitol Building that would be used to make notification to the people inside, as well as direction of the police officers and the staff who works there that we are preparing to train. So with the assistance of staff, as well as police officers, the current technology, the protocols that we have in place that have worked for so long, we feel that we have a good plan for evacuation of the building in the same manner that we do other buildings currently on the Capitol complex.

Ms. ROUSE. I would like to add that training in emergency preparedness is a key factor of what we are doing with all the CVC staff on our ability to deal with our visitors in our space, as well as anyone who might have been on the House side or the Senate side of the expansion. It is ongoing training; it is constantly reinforced training. In addition, we will begin doing drills, actually, as we go into the temporary certificate and permanent certificate of occupancy periods to start this whole process.

So it is a key interest and concern of ours that everyone is constantly trained, and that we are able to have people respond, which includes not only people doing the staff-led tours; that part of their training with us will be how to respond under emergency preparedness. If it is some time to listen to the Capitol Police officer or to listen to the Visitor Assistant or to listen to the guide, that is going to be a key part of our reinforcement.

Ms. WASSERMAN SCHULTZ. The gentleman's time has expired. Thank you.

Ms. Lee.

Ms. LEE. Thank you, Madam Chair. Good evening.

TRANSPORTATION FEES

Let me ask you, Ms. Rouse, for an update on the transportation plan as it relates to charging any type of cost to visitors and how that is sort of evolving. I know you have several options that you

are considering. And I would just like to know where we are on that.

Ms. ROUSE. We did get a little update from the Department of Transportation. For someone who might be coming via the Metro or via the bus, they will be able to transfer to the Circulator bus next year for 35 cents. So if a family comes and they have used their pass, it only would cost them 35 cents to transfer onto the Circulator. If they are coming from Union Station and if that is an option they would like to have.

If they are coming on a bus, they can get off actually very near the front of the CVC. If they are coming from Capitol South, they are just coming up two blocks.

So we did go back to DDOT and got that sort of suggestion. We have also planted the suggestion for the bus operators that if they were using Union Station that they could provide some sort of pass for their visitors, for their clients, who happen to be getting off there if they took that option so they would not have to pay anything at all if they took that.

But DDOT's clarifying on the 35 cents really made a big difference.

Ms. LEE. Thank you very much.

Ms. WASSERMAN SCHULTZ. Mr. Bonner.

Mr. BONNER. Thank you, Madam Chair. I apologize that I had another meeting that I had to attend. And by coming in late, it seems to me that the focus of this is on transportation.

Is that the only topic that we are limited to?

Ms. WASSERMAN SCHULTZ. No, you are not limited at all. This is a CVC oversight hearing.

CVC WELCOME—HISTORICAL DOCUMENTS

Mr. BONNER. Okay. Well, first of all, I want to apologize because I have not had a chance to brief the chairwoman or my ranking member about this question. So I am not trying to catch anyone off guard, but I would like to focus with our Architect here, since we are anticipating an opening of the CVC before long.

I was struck a few days ago, when our Nation celebrated our 4th of July, around the country many new American citizens took the oath of office and proudly proclaimed their joy at finally becoming American citizens after many long years along that pathway. And in most, if not all, of those ceremonies there was also a very solemn moment where these new citizens said the Pledge of Allegiance.

And so I was wondering, if you could tell me—if you could switch gears from transportation, because I wholeheartedly agree with the chairwoman on her efforts to make entrance into the new CVC as accessible as possible; but could you tell me if there is going to be an opportunity for the Pledge of Allegiance, the Declaration of Independence, the words, In God We Trust, things that represent the very essence of what these newfound citizens have just worked so hard to become and many are excited about now that they are citizens, is that going to be part of the welcome as they come into the building?

Mr. AYERS. Well, certainly many of those things you mentioned, Congressman, are in the Exhibition Hall. For example, the Pledge of Allegiance in the epilogue section, which is the final section of

the Wall of Aspirations in the contemporary section, there we show an exhibit of the original Congressional Record, as well as the Congressional Record for the opening day of that particular Congress.

The Congressional Record will be opened to the opening day of the 110th Congress, where the opening prayer of the session is said, as well as the Pledge of Allegiance is said. So it is there as part of that exhibit, certainly (the Pledge of Allegiance).

In terms of the Declaration of Independence, we do have a lithograph of the Declaration of Independence. In fact, there are two copies of that in Statuary Hall now. We have a copy just like the ones you will see in Statuary Hall in one of the exhibits on the Wall of Aspirations as well.

Mr. BONNER. What size would they be?

Mr. AYERS. 18 by 30 according to our expert staff.

Mr. BONNER. What about the words, In God We Trust? Because they are in the House Chamber where the Speaker presides, they are in the Senate Chamber. But unless you have passes, once you get into the Capitol to see that, those are the only two places that I am aware of with the motto, In God We Trust. Is that going to be embossed anywhere in the wall as you enter the CVC?

Mr. AYERS. I am not aware that it is embossed anywhere or part of a specific exhibit. But certainly if you look at the orientation film, as well as many of the exhibits themselves, or the House and Senate virtual theaters, which feature those specific bodies, there are camera shots and views of the Chamber, so certainly you will see those words above the Speaker's rostrum throughout the exhibit somewhere. But I am not aware of a specific focus of that.

Mr. BONNER. Well, with your permission, Madam Chair, I would like to work with you and the ranking member and see if it would be appropriate to at a different time ask some additional questions to see if that is possible for—I think most Americans would think it would be fundamental that the Declaration of Independence, for instance, be—I mean we have got the Magna Carta in the rotunda, but we do not really have a prominent display, unless you go to the National Archives, of the Declaration or the Constitution, that I am aware of, in the Capitol; and I think those are pretty fundamental documents.

But could I reserve the right to get with you at a later time and see if we could agree on some type of instruction to the Architect?

Ms. WASSERMAN SCHULTZ. I would be more than happy to talk to you about it with the caution I have a fundamental belief that we are not museum curators, we are Members of Congress, and I am very hesitant to go down the road of dictating what should or should not be displayed in a facility of this type.

Mr. BONNER. Okay.

Ms. WASSERMAN SCHULTZ. But I would be happy to talk with you about it.

Mr. BONNER. Thank you.

CONSTITUENT BUSING CONCERNS

Ms. WASSERMAN SCHULTZ. Thank you.

I guess we have come back to me. Okay, good. I really am in full agreement with—and I think I can comfortably speak for Mr. Latham, as well—patchwork, wax, spit, and tape. I mean, those are

the things that come to mind when I hear the plans, if you can even describe them as plans, for the busing of constituents to the CVC; and I am really uncomfortable with the direction that this has gone.

Let me just boil it down. We have the West Front as the primary drop-off, a potential for the East Front with an examination of that possibility as far as prescreening buses.

We have Union Station which, while not a primary drop-off point, could be used to park buses, but could also be used to drop people off, and they can take a Circulator bus, which they will probably get charged something for, but we have not confirmed what they would be charged exactly. Or they would be walking a pretty good distance from Union Station to the entrance to the CVC, and we have shuttles for people who might have difficulty all the way from the disabled young children or frail elderly that might have trouble getting up the hill and around from the West Front.

That is just too complicated, too confusing, and too much potential for chaos.

And so we have some homework for you, Chief, that I will describe later. And it sounds like, most of it, you are already working on anyway.

I wish it were funny. It is like this whole thing is really getting comical to the point of sadness.

SCREENING ALTERNATIVES

Why can't we prescreen the buses—have them drop off their luggage and other things that are in the belly of the bus and prescreen them and let them drop off at the East Front? I know you do not want them dropped off at the entrance with stuff in them, and I can completely understand that.

But where are we on that possibility?

Chief MORSE. If the direction is to screen buses or large—you know, large vehicles that may have business at the CVC, then we are preparing a plan to present to the Capitol Police Board that would provide them options to do that and that would have to be a decision——

Ms. WASSERMAN SCHULTZ. Right.

Chief MORSE. Made on that issue.

Ms. WASSERMAN SCHULTZ. Let me ask you a question. I understand you will implement whatever it is that you are directed to implement. But could you reach a comfort level to where your recommendation would change? Right now you have recommended that we shouldn't drop off at the entrance to the CVC for safety reasons. But do you think there is a plan that could be developed that would give you a comfort level without being directed?

Chief MORSE. My comfort level is only with large vehicles that are unscreened.

Ms. WASSERMAN SCHULTZ. Discomfort.

Chief MORSE. Yes. I want vehicles of that size to be screened before they come in close proximity to the complex itself.

SCREENING AND SECURITY OBSTACLES

Ms. WASSERMAN SCHULTZ. And what are the obstacles in the path of prescreening buses so that we can get you to that comfort level?

Chief MORSE. Well, there are security—some security obstacles and then there are logistical obstacles that I don't have as much to do with the logistics of it as I do the security part of it. With security, we have to obviously find a location that is optimum for us and the safety of people and other buildings in the area to do a screening process. And then the second obstacle, which is easily overcome, is acquiring the assets and resources to do that. So when it comes to safety——

Ms. WASSERMAN SCHULTZ. Do you have a general estimate on how much you think it would cost to implement that type of security screening?

Chief MORSE. I will July 21st.

OFFICE OF COMPLIANCE INSPECTIONS AND OPEN ISSUES

Ms. WASSERMAN SCHULTZ. I knew you were going to say that. Okay. That is fine. In my remaining second, I want to go past the transportation issue. The issue of OOC inspections, although it has not been a major complaint, Mr. Eveleth, our reason for having you here today is there has been the concern expressed by the AOC, confirmed by GAO, that there are items that OOC in your inspection process are asking the AOC to accomplish in the CVC that are not required by code or by ordinance or by law and that essentially—I know you defended yourself in your statement and said you are not nitpicking, but I think essentially boiled down to, in their estimation, nitpicking, and that added up together cumulatively could cause a slowdown of the process. I realize that those last 6 items that were remaining have now been resolved. Those were code or legal requirements, but where are we in terms of the number of issues that are raised by the OOC that amount to it was your term, that amount to nitpicking, but that are not required? Maybe that is not a question for Mr. Eveleth. Maybe that is for you, Mr. Ungar.

Mr. UNGAR. Madam Chair, right now, at least from our perspective—I think Mr. Eveleth agrees with this—we don't have any open issues with respect to the specific inspection items that are on the chart that accompany Mr. Eveleth's testimony. The open issues that we do have really relate to the completion of the evacuation plan that would be used in the event of emergency, particularly mobility impaired individuals. The Office of Compliance is concerned or interested to make sure that we have adequate capability in the facility to handle that. Since the plan is not complete yet, we don't know exactly all the details on what is going to be required. So there is an open item that once this plan is completed, there will probably be some construction-related changes that we will be needing to make. Of course the Office of Compliance will want us to make those. But at this point, we don't know exactly what they are going to be, so it is an open item.

OFFICE OF COMPLIANCE RECOMMENDATIONS VS. REQUIREMENTS

Ms. WASSERMAN SCHULTZ. Mr. Dorn, you raised an issue at the last hearing. Can you describe what you meant and whether you think that issue has been addressed?

Mr. DORN. My understanding from talking to Mr. Ungar is the issue that I was describing at the last hearing has been addressed, and I noted that in my statement this evening. The specific ones that were brought up to me had to do with handrails and stairwells and things like that, and my understanding is that they worked that out. Mr. Eveleth and I have had a long conversation about that. My understanding from talking to him is his inspectors thought they were making recommendations or suggestions, but they were taken as requirements. And that is just a caution that we discussed, and I think it is all worked out at this point.

Ms. WASSERMAN SCHULTZ. Okay.

PENDING OFFICE OF COMPLIANCE RECOMMENDATIONS

Mr. EVELETH. If I may. As the chart indicates, it is submitted with my testimony and this is agreed to by the Architect of the Capitol, there are only two or three items at most that are considered to be recommendations by our office. And as I said during my testimony, there will be situations that will arise where we see a potential problem arising and we—in that case, it had to do with a hole in the floor where there was a sump pump and how do you get down to the sump pump, we have to take a ladder. The concern was if there is water down there and you are using a metal ladder and you hit the sump pump, you could have an electrical hazard. That area had flooded in the past. So they were foreseeing the possibility, although there wasn't a hazard at that moment, but if you manage to affix the ladder to the side of the wall, you wouldn't be jamming a motor and cause that kind of a problem. So that was more of a suggestion and the AOC said that is a good suggestion. So it was that kind of issue that we were talking about.

The issues that are being talked about here having to do with accessibility and egress are most serious questions and they are—and the AOC recognizes that—the issues involving the ability of disabled—people with disabilities to exit the facility in the event of a hazard, are indeed hazards. So the question is how do you resolve those particular hazards. So I think this has sort of grown out of proportion in fact when you—when you sit down and they question these few things.

Ms. WASSERMAN SCHULTZ. Well, that is why we have oversight hearings, because it rose to enough of a proportion that it was raised by both the Architect and the GAO in the CVC oversight hearing. So it led me to believe that we needed to bring you here so you could talk about it and it clearly led to a resolution of the problem.

Mr. EVELETH. I clearly agree it is certainly a legitimate question of inquiry, area of inquiry. And I just wanted to make clear of the 100 and some type of hazards that we found, there were very few that were ever in dispute in terms of whether they constituted a hazard or not.

Ms. WASSERMAN SCHULTZ. I think our only concern, Mr. Eveleth, is that we not have issues raised that are not required that can still be addressed and should be addressed because safety comes first, but do not slow down the process to such a degree that we are not able to keep the project on schedule. And my time has long since expired. Mr. Latham.

Mr. LATHAM. Thank you. Ms. Rouse, just to go back a second on the transportation proposals that you put forth. It is my understanding that for any of those proposals you would need about a 4-month lead time to get initiated?

Ms. ROUSE. To buy new equipment, yes.

TRAINING

Mr. LATHAM. So right now we are past the time basically. I am not sure the new ideas will even be able to be implemented by the time the CVC opens up. Your opening statement noted a potential for a CR and what the ramifications would be on your staffing. Do you know the level of resources—you would need to make things continue to run smoothly when the fiscal year ends—runs out in September. You are going to be straddling two different fiscal years here before the CVC opens. How does that impact the staffing concerns that you have put forth? I am concerned about training, Mr. LaHood talked about the safety issue of getting the visitors out of the building and I don't know if you are going to have time to have proper training for those individuals or whether you are going to have enough money to even hire that many individuals.

Ms. ROUSE. The training, I believe, was covered in the fiscal year 2008 budget. So I think we will be okay as far as training is concerned. What our key issue is going to be are salaries for people who are currently under the guide service at the moment.

Mr. LATHAM. On October 1st, you are going to quit training?

CVC OPERATIONS STRATEGY—UNDER CR

Ms. ROUSE. We are putting the training in place now; we will begin training the middle of September. So I think that will be in the process. It is the salary concern on the operation side, things that are currently in the AOC budget, I believe we have a strategy to cover those individuals.

Mr. LATHAM. What is the strategy? Are you going to cut other things?

Ms. ROUSE. We will cut other things, yes.

Mr. LATHAM. Like what?

Ms. ROUSE. We will reduce some of our programming, some of our other aspects of what we are doing we will just tailor that down and part of the markup that was done actually did that exercise for us. So that was a good component. We may also have to borrow, depending upon the length of the CR money from the CVC construction project funds. So I think we have a solution on that side. At this moment, the majority of the staffing sits on the Senate side under the Capitol Guide Service, and that is where our concern is at the moment because that is the majority of the staffing which will come after the legislation is done, but until that point, we know we are going to have a problem there. We are beginning to work that issue with our appropriators and we have highlighted

the issue to our oversight committees and the AOC's staff, as well as our staff, are trying to identify all the concerns and that is where that is.

CVC PAVER COSTS

Mr. LATHAM. Okay. I am almost to the point where I think we should work very hard to try to get some exception on the CR to direct some funding in that particular case. On another note, Mr. Dorn, one thing that bothers me, I guess, on the pavers, why is it so hard to figure out who is responsible and how much this repair or this replacement is going to cost? Do we know that?

Mr. DORN. As far as the responsibility, GAO, in particular, has been careful not to weigh in one way or the other just because it would affect any sort of litigation maybe upcoming. I suspect that the Architect in these hearings is the same way but could probably have a private discussion with you about it. As far as the cost goes, we included in our estimate more or less $5 million or so in the $621 million. So it is already included in that. My understanding from Mr. Ungar is that they are under that amount at this point, partly because they are not going to do the whole plaza, just the places where the vehicles are going to go.

Mr. LATHAM. Do you want to speak to that Mr. Ungar, where are you, how much?

Mr. UNGAR. Yes, sir. I would prefer not to give the specific amount because we are still in the process of an open procurement but it would be less than $4 million at this point for the plan that we have in place, which would basically, as Mr. Dorn said, replace the portions of the plaza that are expected to receive routine vehicular traffic.

Mr. LATHAM. Are we going to be able to drive out on that?

Mr. UNGAR. That is not our call, but the current practice is that cars do come in and drop off, under the porticos on each side and there are certain vehicles that will go a little bit further into the plaza. But in terms of what the policy will be that is certainly up to Congress.

Mr. LATHAM. We suggest that whoever makes that suggestion should note that right now we have vehicles parked on the sidewalks when we have votes in the evening like this, so it is almost a hazard out there with the lack of room for any kind of organized parking out there. Thank you, Madam Chairman.

Ms. WASSERMAN SCHULTZ. You are welcome. Mr. Honda.

CVC OVERSIGHT CONCERNS

Mr. HONDA. Thank you. I guess the comment I just want to share is that the term patchwork and everything else that we are frustrated with, what I have understood is that we have to put that in the context of the history of the project, the involvement of this committee over the past few years or the not involvement. So a lot of it has been due to a lack of oversight, and now we are trying to catch up at the last yard before we hit the goal line. That seems to be the context that I try to keep in mind. That this is what happened. Then the concern happening in the last year or so after 4 or 5 years since 9-11, that is a great concern that speaks to the lack of integrating ourselves in the planning of the process. Have

you said that, though? We are still responsible for the work—and I think this is why the Chair of this committee is concerned about continuing the oversight and asking these questions.

So I just wanted to preface my comments and my question.

VACATING STREETS—BUS SCREENING

But the question that was asked about vacating streets and figuring out how we are going to screen these buses, I think we understand that there is a need for that. Have you looked at technology as being employed currently as pilot projects at places like El Paso, where they have to screen thousands of trucks, semis? Have you looked at ports where they have to take containers off ships thousands at a time over a short period of time using current technology that would look for everything from drugs to explosives based upon their chemical composition and other things, contraband and technology that is being used at airports where they are looking at large containers, have those been part of your planning where they have portable technology that can be placed in certain areas and you just pass the vehicle through it in a matter of minutes it is done?

Chief MORSE. Yes, we have. We have looked at those and I believe at the previous hearing that was mentioned and that was the purpose of our review. Our security services bureau has looked at that as a possibility—and it certainly is a possibility. But it also creates other logistical situations for picking a location that is optimum to that type of screening, because the level of X-ray that is used for that would require us to offload passengers and certainly place them in a facility or cover——

Mr. HONDA. I understand that. I understand it is a matter of planning and sequencing and thinking it through so perhaps the answers can be provided after you have done some more thinking and research on the logistics of the procedures. Thank you, Madam Chair.

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

WHITE HOUSE SCREENING PROCESS

Mr. LAHOOD. Just about every day that I am here, I meet people at the White House so that they can have a White House tour. Nobody that I know of does better screening of large, small, intermediate vehicles than the White House. And what they do, they have these dogs that scan or screen the large vehicles, sometimes it is a garbage truck, sometimes it is a mail truck, sometimes it is my car. And then you are allowed to pull your vehicle onto the White House grounds. People are instructed not to bring anything except identification. Look, I don't want to micromanage this, but I want to suggest this. First of all, you tell the buses, you can't bring any luggage. You can bring people and that is it. Gather down below, have the dogs screen the buses, drive them up on top so that whether you are handicapped or able-bodied, you are within walking distance of the entrance to the Visitor Center and then at someplace find a place to stage those buses so that wherever people are going to exit—and look it, this system works pretty well.

POSTPONEMENT OF CVC OPENING

Now, they have vacated some streets over there. But I go back to what I said before. I think there is a way to do this that is not a patchwork of old and new. And can be done in a very easy way and a very convenient way and so I hope that you will give some consideration. I want to make this suggestion, Madam Chair, and that is if we do pass a CR, that we postpone or suspend the opening of the Visitor Center. It is also a patchwork, what they are trying to do here, hiring people, training people, training people how to evacuate the Visitor Center with no fire drills.

One of the things that works around here is the evacuation of buildings, particularly office buildings because there have been enough fire drills and enough practice sessions that when they have to do it, it works very well. And you are trying to hire people and train people to not only give people an opportunity to see the Visitor Center, but in the case of an emergency—and if we don't have the money to hire these people and we don't have the money to train these people, I would say that we need to tell the leadership of the House if there is one bill that needs to pass, it needs to be the legislative branch so that we can open the Visitor Center and they have the resources, and if that is not going to please what, then I say suspend the opening of the Visitor Center until we have the right people that are well trained and in place so that we don't have the public with nowhere to go or how to go and we don't have the transportation to get them here. Thank you.

Ms. WASSERMAN SCHULTZ. Thank you, Mr. LaHood. Ms. Lee.

PAVER REPLACEMENT

Ms. LEE. On a more mundane subject, let me ask you about the pavers on the east front. In terms of the plan to repair those pavers and how much it is going to cost and who is paying for it and just kind of give us an update on that.

Mr. UNGAR. Ms. Lee, at this point, as I indicated, our plan is to replace those pavers that are basically in the course of where the vehicle traffic has been experienced over the last year as we have witnessed day to day. A large part of that area is on top of the CVC, not on land. It has experienced some of the most problems in terms of movement of the pavers, chipping, cracking, and so forth. So our plan is essentially to replace those pavers, replace the setting bed that those pavers sit on with a much more substantive setting bed that will withstand, you know, the more frequent vehicular traffic. For the remaining part of the plaza, basically west of the skylights which is not subject as much to routine traffic, we will repair the pavers that are damaged there. Our general time frame to do that is that we hope to start right after the congressional recess begins in August and replace those sections that are closest to the Capitol, which would most interfere with congressional operation if Congress were in session, get that worked on while Congress is on recess and then do the rest of the portion of the plaza in a section-by-section manner so that it would not be disruptive to congressional operations.

PAVER COST ESTIMATES

Ms. LEE. And how much is this going to cost and who is paying for it?

Mr. UNGAR. Well, again, I would prefer not to publicly discuss the cost because it is an open procurement. In terms of who is going to pay for it—in order to get the work done quickly, the CVC project is going to pay for it initially. At the same time, we are going through a fairly extensive process to determine responsibility. But that is fairly complicated and there are a lot of factors involved and it probably will take us several months, at minimum, to resolve that. So in the meantime, we are going to go ahead and pay for it while that process is underway.

Ms. LEE. Let me just ask you about the procurement. You are in the process. Have you issued an RFP or IFP? Where are you?

Mr. UNGAR. Our plan is to have our Sequence 2 construction contractor go ahead and do the replacement and repair work. One of the major issues that we have is that if we bring somebody else in, they could affect our current contractor's responsibility for what is there now. So we don't want to further complicate the issue that we have with the situation.

Ms. LEE. Is this an add-on, then?

Mr. UNGAR. It would be a modification to the contract, yes.

Ms. LEE. Okay. I got you. Thank you very much.

Ms. WASSERMAN SCHULTZ. Thank you, Ms. Lee. Mr. Bonner.

MEMBER TOURS—CVC GOVERNANCE

Mr. BONNER. Thank you, Madam Chair. Mr. Ayers, do you know roughly how many members have taken a preview tour of the CVC?

Mr. AYERS. Approximately 200.

Mr. BONNER. 200. And was that 200, how many within the last 6 months?

Mr. AYERS. 60. 70.

Mr. BONNER. The reason I ask is to follow up on my first line of questioning. I am the newest member of this subcommittee, and I will be the first to acknowledge that I probably have missed out on a lot of the painful testimony and hard questions and sometimes difficult answers that have come over the years to get us to this point where we are all excited. But I go back to Ms. Rouse's written statement. We only have one chance to make a first impression once we open the Visitor Center. And we all agree with that, whether it is the Chief or the Architect or whomever is involved.

We have talked so much about pavers, we have talked about handrails, we have talked about tiles, we have talked about light bulbs and all of these things. And at the same time the first impression once they come in is going to be what they see. Is it House Administration, is it the Speaker, the minority leader? Who exactly in your mind, Mr. Ayers, has responsibility for governance of what people will see once they get inside the building in terms of the display, in terms of the room assignments and naming of the rooms and things like that? Is there one authority that you would refer to?

Mr. AYERS. Well, in terms of the design of the building and what is in the building and how that was all developed, all of that was done under the purview of the Capitol Preservation Commission.

Mr. BONNER. And are they in the same category as the White House Historical Society? I know Mr. LaHood mentioned the numerous trips he takes to the White House, takes constituents to the White House. When I do that, I am always quick to say it is not up to the President and the First Lady to decide to paint the green room blue, that that decision is made by somebody else. Is this board given the responsibility to make the decisions like the displays and like some of the other issues that have been raised previously? Is that who a Member of Congress would have to go to to find out—oh, we have a new member.

Mr. AYERS. Well, the Capitol Preservation Commission is made up of Members. So it is a bipartisan, bicameral group of Members that come together to make those decisions. So the process by which we went through to determine what is in the Exhibition Hall is a group of 12 or 14 historians and curators that came together, both the House and Senate historian and curators, and the architects. We brought in subject matter experts from the Archives and the Library of Congress and the Smithsonian to come together to put together what you may see in those exhibits. At each significant step along the way, it was presented to the Capitol Preservation Commission and ultimately approved by the members of the Capitol Preservation Commission.

Mr. BONNER. Okay. Well, I think it is important because if 60 members—if 200 members have been through at various stages, I have been through a couple of times—I think we all want to make certain that when the doors do open and the American people and the people of the world have a chance to walk in this beautiful new building that we all are able to answer the very basic question that we will probably be asked of our constituents who in the world decided to put that green carpet against that purple wall or something to that effect? I agree with the Chairwoman, it is not our place perhaps to decide that it should be green or purple, but I do think when you ask fundamental questions like that, we need to know who is the one giving you all the authority and the direction to do that? Thank you, Madam Chair.

FUNDING REALIGNMENT OF CONSTRUCTION FUNDS

Ms. WASSERMAN SCHULTZ. Thank you, Mr. Bonner. And I do think it is important to note that all of those decisions were made prior to the 2006 election, just for the record. Just so we know who it is that made the decisions on content. Just very briefly, Ms. Rouse, you alluded to your belief that you could move money from the construction fund to the operations of the CVC, and I am not sure that you legally can do that. So if you have not checked with your general counsel and GAO whether——

Mr. DORN. We agree that is not—beyond $8.5 million, that is not possible.

Ms. WASSERMAN SCHULTZ. That was a response to our homework from the last time. That is not something I think is an option for you. So I think you need to go back to the drawing board in terms of your potential choices for how to operate the CVC.

Ms. ROUSE. I think it was borrowing a certain amount.

CHAIR CLOSING REMARKS

Ms. WASSERMAN SCHULTZ. My understanding is that is not okay. So a trip to the drawing board would be necessary. That having been said, I think we have reached the point where we can conclude this hearing. I do want to go over some homework with you, Chief. You reference the four concepts for operating the security screening of buses and so we are obviously very interested in trying to make this a smooth and seamless process for visitors. With that in mind, I know you were making that presentation to the Capitol Police Board on the 21st.

If you can provide us with a report on those concepts as well as soon as you have it, make sure that we have that when the Capitol Police Board has it so that we can continue the open lines of communication that we have now reestablished. And if you aren't already including it in that report to them, if you could explain how each concept would work if implemented, the pros and cons of each and a rough estimate of the cost and resource requirements associated with those concepts.

I have it written down for you so you don't have to speed-write. So with that I appreciate the members' accommodation and all of the staff. I know you gave up a personal evening to help make sure that we can continue the oversight of the Capitol Visitor Center. I am really pleased that we are still on track, that after this hearing when we come back for the next hearing, the CVC, knock wood, will have a temporary certificate of occupancy and that we will continue to be on track. And I really do want to congratulate all of the CVC staff for the hard work and really wonderful accomplishments thus far. And with that, I want to introduce my daughter Rebecca, who is going to close the hearing and the subcommittee stands in recess subject to the call of the Chair.

[The information follows:]

Hearing on the Capitol Visitor Center
July 8, 2008 at 7:00 PM
U.S. Capitol, Room - H140

Questions for the Record from
The Honorable Barbara Lee, Vice Chair
Subcommittee on the Legislative Branch, Committee on Appropriations
U.S. House of Representatives

Transportation Plan

Question. During discussion of the proposed transportation plan for the CVC, there was mention of the possibility of a tram that would run continuously around the perimeter of the Capitol square.

Would it be possible for this tram to include Union Station in the route, because not all visitors to the CVC will be dropped off by tour buses at the West Front?

Answer. It would be possible, but there are implications to be considered. First, these types of trams are generally used in tourist attraction parking lots or on-site. They are also low-speed, open, and are not designed to operate on public streets for more than short distances. Using them on busy streets could cause serious traffic congestion. Second, the Union Station route used by the Circulator and D.C. buses is lengthy. In order to be effective, the trams would need to pull additional trailing cars. This increases the traffic congestion potential and raises safety concerns. The only way to shorten the route would be to give the trams free access along First Street, N.E. This raises security issues as this street goes directly between the Russell and Dirksen Senate Office Buildings and is not open to the public. Third, serving all destinations with one route would increase cycle time to an unacceptable level. Additional trams would need to be added or there would need to be two distinct tram routes including one serving the West Front and a second serving Union Station.

The East Front Transportation Action Committee is examining bus drop-off options, as well as the Circulator option and the viability of operating a tram. This committee includes representatives from the House Sergeant at Arms Office, Senate Sergeant at Arms Office, U.S. Capitol Police, Library of Congress, AOC Capitol Grounds Division, and the CVC. The committee is analyzing transportation options in terms of logistics, security, impact to traffic and the environment, and customer service. On security issues, the committee is working very closely with the U.S. Capitol Police. Note that, at this time, there are no funds appropriated to purchase or operate a tram. By the end of July, the committee will provide data that will assist stakeholders in making a decision regarding CVC transportation options.

WEDNESDAY, SEPTEMBER 24, 2008.

CAPITOL VISITOR CENTER

WITNESSES

STEPHEN AYERS, ACTING ARCHITECT OF THE CAPITOL
BERNARD UNGAR, CVC PROJECT EXECUTIVE
TERRIE S. ROUSE, CEO, VISITOR SERVICES FOR THE CVC, ARCHITECT OF THE CAPITOL
PHILLIP MORSE, SR., CHIEF OF POLICE, U.S. CAPITOL POLICE
BILL LIVINGOOD, HOUSE SERGEANT AT ARMS
DREW WILLISON, DEPUTY SENATE SERGEANT AT ARMS
TERRELL DORN, DIRECTOR, PHYSICAL INFRASTRUCTURE ISSUES, GOVERNMENT ACCOUNTABILITY OFFICE

CHAIR'S OPENING REMARKS

Ms. WASSERMAN SCHULTZ. Good morning. I would like to call the meeting of the Legislative Branch Subcommittee of the House Committee on Appropriations to order. This is the 13th and final oversight hearing on the CVC project. We are going to do the Evelyn Wood version of this hearing because the CR is on the floor at 11:45, and our rules don't allow us to be in committee while our bill is on the floor. So I want to thank Mr. Latham for his indulgence.

And we are going to dispense with the opening statements of the panelists because we will enter those for the record so that we can get through the questions that the members have and clear up any last-minute concerns and smooth the edges on this project.

Just briefly, when this subcommittee was reconstituted at the beginning of the 110th Congress, the first thing that we did was hold an oversight hearing on the CVC project. We wanted to show that there was aggressive oversight and that the Legislative Branch Subcommittee was back. We inherited a project that was plagued by massive budget creep and never ending delays. The CVC had joined that sad pantheon of projects with the title "boondoggle." And you can contrast that with where we are today.

PROJECT COST AND SCHEDULE

Since September 2007, we have had no increase in the project's cost and no slippage in its schedule. And that didn't happen by accident. A large amount of the credit goes to our very own acting Architect of the Capitol Stephen Ayers. Bernie Ungar did a yeoman's job at pulling things together, along with the hardworking staff at the Architect of the Capitol's Office. So really everybody pulled together incredibly well and worked hard to get this project back on track in the last 2 years.

Also a share of the credit belongs to you, Terry. You really helped us keep things on track and gave us good advice all the way

through the process. So you and GAO deserve a great amount of credit. And I really want to thank my subcommittee members, my ranking member, Mr. Latham, and Mr. Wamp before you, and Ms. Lee and all of the other members of the subcommittee, because often this was not the top of everybody's list in terms of priorities on our schedule. But making sure that we safeguard the taxpayers' money was incredibly important and providing accountability to this project was as well.

CHUCK TURNER'S RETIREMENT

Before I continue, I do want to take a point of personal privilege before we begin the hearing and take a moment to recognize a true champion of this institution and the agencies that serve it, Chuck Turner. Chuck has been here for more than 30 years, more than 30 years of Federal service including more than two decades with the Legislative Branch Subcommittee for both the House and the Senate side, and he is retiring at the end of this week.

Chuck is absolutely the finest example of a public servant that we have in this institution. And I can tell you that he looked very skeptically at this rookie appropriator who suddenly was the Chair of the Legislative Branch Subcommittee and thought, oh, my God, what am I going to have to deal with. Although he never said that—he was incredibly professional and helped guide me in the beginning when I knew very little and helped me get up to speed as quickly as possible. And really he is one of the most respected and knowledgeable staffers that we have on Capitol Hill. He has worked tirelessly for hours upon hours.

This isn't the sexiest subcommittee in the Capitol, and the intricacies and knowledge that you have to have are incredibly important to make sure that we can take care of all the workers and the visitors and the people who come to this institution every single day. Really, he is irreplaceable.

And we are going to miss you. And like I said, please make sure that you connect your phone as soon as you get to where you are going. Thank you so much. You have been a joy to work with. And congratulations on a well-deserved, well-earned retirement.

Mr. Latham.

Mr. LATHAM. Thank you, Madam Chairman. And I shared your skepticism. No.

Welcome, panel. And this is the last hearing?

Ms. WASSERMAN SCHULTZ. The last one. That is the plan.

Mr. LATHAM. I, too, would just like to express my best wishes to Chuck in his upcoming retirement, and to let him know that I, along with a lot of other members and staffers, really hate to see him go. He has been a great asset to this subcommittee, to the full committee, and to the House of Representatives, and he will be sorely missed. The thing that has always struck me most about Chuck is being in the mold of the old-school type of appropriation staffers; that is, he is a nonpartisan professional staffer who has always provided straightforward advice in a factual and nonpartisan fashion. And your service to this institution for 30 years has been a credit to us all here and certainly to yourself. His focus has always been on the mission of the committee of getting the ap-

propriation bills passed for the good of the order and the institution of the House itself.

He has well understood the importance of this subcommittee to the mission of the House as a critical part of the legislative branch. The loss of a staffer like Chuck is no small occurrence because his departure means a loss of institutional knowledge and institutional know-how. As a member of the Appropriations Committee, I know how important that knowledge is, and it has been very valued by all of us.

Chuck, for the House and the committee, I hate to see you go. But for you, I am glad that you have an opportunity to open another chapter in your life, and good luck to you and the best for good health and future happiness. And we will all come out to Las Vegas and visit you. We expect a nice bedroom.

Ms. WASSERMAN SCHULTZ. A stack of chips!

Mr. LATHAM. And tell us which is the best casino. Congratulations and good luck. Thank you.

Ms. WASSERMAN SCHULTZ. Do you have anything?

Mr. TURNER. All I can say is it has been a great pleasure for all these years, and it has been a great pleasure working with you and Mr. Latham. And thank God this CVC is almost finished.

WITNESSES' STATEMENTS FOR THE RECORD

Ms. WASSERMAN SCHULTZ. With that, I will briefly introduce today's witnesses. It is the usual cast of characters. Stephen Ayers is the Acting Architect of the Capitol; Bernie Ungar, CVC project executive; Terry Dorn, director of Physical Infrastructure Issues at GAO; Terrie Rouse, CEO for Visitor Services for the CVC; Phillip Morse, Chief of the U.S. Capitol Police; and Bill Livingood, the House Sergeant-at-Arms. And we will have a closed portion of the hearing where we will have other panelists as well.

As I said, the witnesses' prepared statements have been received and they will be inserted into the record. And I actually want to spend about 10 minutes, if that is okay with you, Mr. Latham, on the open portion of this hearing. We have a couple of questions that we need to get answered, and then we are going to close the hearing because we need to deal with the transportation issue as it relates to security questions that can't be dealt with in public. So if we can just start the timer.

TRANSPORTATION CONCERNS

I want to go over some of the transportation issues that we can cover in public, and those include some confusion on what is going on with West Front drop-off. This is probably directed to the Chief and Ms. Rouse. My understanding is that the current plan for tours is for buses to drop off and pick up visitors at the West Front like they do now, for cart service to be implemented so that people who need transportation, for whatever reason, up the hill around to the front of the CVC can get it, and that what is pending is a decision by the Police Board about screening the tour buses and where they would be screened and dropping visitors off at the main CVC entrance. Is that correct?

Ms. ROUSE. That is correct.

Ms. WASSERMAN SCHULTZ. Just so we are clear, what part of the transportation plan do you have responsibility for, Ms. Rouse?

Ms. ROUSE. Good morning. The part that the CVC team has responsibility for is our recommendation to buy new shuttles, six of them will carry people from the drop-off point to the front of the CVC. Our responsibility would also include making sure that anybody who needs the help to come around the building can get the help. We have also discussed the path that would be taken and that the path would be a circular path around the building bringing people, if they needed the help, to get back to the drop-off point.

So that is pretty much our responsibility. We will also post a way-finding staff member who would be there to assist people if they need it in terms of direction.

Ms. WASSERMAN SCHULTZ. And, Chief, what about you? What is your role in the process?

Mr. MORSE. With respect to screening of the buses, we would certainly facilitate that with our assets and resources. And we would make recommendations as to locations that screening could take place.

CART SERVICE UPGRADES

Ms. WASSERMAN SCHULTZ. Ms. Rouse, as far as the timing for the upgrading of the cart service, what is your plan for that? What is the timetable?

Ms. ROUSE. The timetable that we are working against is having these new carts, these shuttles, in place by March, the height of the tourist season with eighth graders and that sort. Then we would be able to examine and get a real opportunity to look at how that would work through the season, which would be sometime into August. We would implement and continue to do what we are doing to enhance that up until that point.

Ms. WASSERMAN SCHULTZ. And between now and then, or between December 2, which is the opening, and March, you are going to use what you have got now?

Ms. ROUSE. Exactly.

Ms. WASSERMAN SCHULTZ. And you have some carts to move people around. Right?

Ms. ROUSE. We have six carts to move people. We will try to put more of those in service. I anticipate during the holiday break there will be a lot more people around, so we will try to have as many carts in use then as possible.

Ms. WASSERMAN SCHULTZ. Great. And what is the timetable, Mr. Livingood? What is the timetable for the Capitol Hill Police Board to make a decision on the bus screening process?

Mr. LIVINGOOD. Right now, the Chief's recommendations is that we continue as we are, West Front, and not do any screening right now. And we are doing just a study of the entire perimeter.

CVC OPERATIONS DURING A CR

Ms. WASSERMAN SCHULTZ. And I am going to ask you some questions in the closed portion of the hearing about that study.

Let me ask you, Ms. Rouse, just to be clear. We have been working with you, and I know you have been focused on trying to put

your plans in place for operations under a CR, which we are going to have since it is going to be on the floor in 30 minutes. Where are you in terms of your process? And are you going to be capable of opening the CVC with the funding that will be provided by the CR?

Ms. ROUSE. And the negotiations have been going on between the appropriators staff and others. We have a plan that we are feeling comfortable with that we would be able to operate under a CR. It will mean tightening our belt in a number of areas and putting things off. But I think we have a fairly good collaborative relationship on that. Of course, we are hoping that the legislation also passes that gives us the authority to do what we have to do, because that does impact our ability to open the shops and the restaurants.

CAPITOL HISTORICAL SOCIETY'S ROLE WITHIN THE CVC

Ms. WASSERMAN SCHULTZ. And then lastly, and I will turn it over to Mr. Latham. On the Capitol Hill Historical Society, we have had—this has been a soap opera, the never ending saga of the Capitol Historical Society and how are they going to be able to market their goods. What is the role of the Capitol Historical Society in the CVC? How have you decided to allow them to sell their merchandise? And are they going to have a kiosk?

Ms. ROUSE. The CVC team has been talking with the Senate Rules Committee and the Committee on House Administration, about having the Capitol Historical Society's merchandise highlighted within our gift shops. We would purchase some material from them, they would have their own prominence cards, they would have their own Web sites so people can see very prominently their material. We have had some very fruitful conversations around that. We also thought a lot about how this would impact them in terms of their nonprofit budget. Thinking clearly about this is a way to, not only fulfill their need, but satisfy their need, that goes with their mission.

In this plan, there isn't the idea of them having a kiosk. That hasn't been part of our discussions with them. I must say, in our conversations with the Capitol Historical Society, they are very excited about the notion of us buying their merchandise, and have been working with our gift shop staff to facilitate that and also working with historians and curators for the review process.

Ms. WASSERMAN SCHULTZ. So that addresses their budget issue, which was that if they had no kiosk, then they weren't going to be able to sell merchandise. If you buy their merchandise up front, would you be basically able to buy what they have been selling?

Ms. ROUSE. I think we probably will surpass that.

Ms. WASSERMAN SCHULTZ. Fantastic. I know those negotiations will continue and I know that they are concerned. And what they are troubled about is that if they lose a kiosk, they lose their public face and it is hard to know that they exist. So hopefully we are going to be able to feature them prominently enough in the gift shop so that we can ensure that people know that they are around. They have been around since 1962. There is a lot of member investment in that society and family investment in that society. So I would hope that we are able to figure things out for them.

Mr. LATHAM. And I don't have any more questions for the public portion of the hearing.

Mr. LATHAM. Okay.

CART LOGISTICS—PICKUP ROUTES

I just have a couple of questions, Ms. Rouse. On the plan that you propose, you have got the carts going up and down on the House side. Are you saying now that this is a loop and you are going to be picking up on the Senate side?

Ms. ROUSE. Yes. Having heard resounding dislike for that plan, it is now a loop around the building. Yes.

Mr. LATHAM. So you will continue to pick up over on the Senate side. What do you anticipate, with regard to any problems during votes when the plaza is filled with members and security and——

Ms. ROUSE. For the parking?

Mr. LATHAM. No. With your plan there, are they going to have to reroute the carts during votes?

Ms. ROUSE. I don't know. I think that is something that we will definitely find out in the test-and-adjust period. The Capitol Police Board is still reviewing the issue of the parking on the plaza, which has a little impact for us. But the path that we came up is a pedestrian path; it is not on the streets or the driveway. So we think we will be able to navigate accordingly. But we will know better as we get through the process.

Mr. LATHAM. But you are aware that that pedestrian path goes right through where all the activity is during votes, and you have got cars parking in there and everything else.

Ms. ROUSE. We have had several conversations about that.

PAVER UPDATE

Mr. LATHAM. Mr. Ayers, can you give us an update on what is going on with the pavers and who is paying for it, and is there anything new on that front?

Mr. AYERS. Well, we have developed a paver schedule and implemented that a month and a half ago. We are on track with that schedule. So the actual work is progressing well.

Mr. LATHAM. What is that date then?

Mr. AYERS. The date we started that?

Mr. LATHAM. No. Finishing.

Mr. UNGAR. We are shooting for mid November, about the 17th or 20th, somewhere in that period is what our target completion date is.

Mr. AYERS. So that work is proceeding well. We are really not negotiating with the contractor yet on who is responsible for that. We will do that later on the job.

Mr. LATHAM. And the cost is, what, $8 million?

Mr. UNGAR. No, sir. The current cost—the estimated cost right now to replace the pavers that we have set up for our stage one repair effort is about $2.5 million. A little bit more than that.

FENCE REMOVAL

Mr. LATHAM. When do you anticipate the fences coming down?

Mr. UNGAR. We are working very closely with the Capitol Police to meet all its security requirements. We are hoping that we can start to take the fence down next week. That is our goal.

Mr. LATHAM. Really?

Mr. UNGAR. Yeah. It is going to be coming down in sections, but we are keeping our fingers crossed.

Mr. LATHAM. Okay.

Mr. AYERS. If I can point out, just to manage expectations. When the wood fence comes down, a new fence goes up in its place that is a snow fence that is see through and low, and a chain link fence comes in on the interior portion of the plaza. Ultimately, all of those fences don't come down until just before the public opening in December.

Mr. LATHAM. Okay. I think everything else is going to be for the closed session. Thank you.

Ms. WASSERMAN SCHULTZ. Ms. Lee.

Ms. LEE. Thank you. Let me first thank you for your leadership this year and for this Congress, and also just say to you, I never thought we would see our final hearing on the CVC. So I have to thank all of you for really accomplishing this very, very exciting project, but also very challenging and very difficult. And to our Chair, we couldn't have done it without you. So thank you. And to Chuck, I have to just congratulate you on your retirement and thank you for your steadiness. I think so many of us are new on this subcommittee and we were really guided by your wisdom and your expertise. So we will definitely miss you. But enjoy this next chapter of your life.

I wanted to just say last week, and this is really remarkable. Our staff organized, and some of you may not know what the tri-caucus is, but this is the Congressional Black Caucus, the Congressional Hispanic Caucus, and the Congressional Asian-Pacific American Caucus. So we organized a staff tour for last Friday for 3:00, and I believe over 60 members of staff showed up for that tour, and they were quite excited and quite impressed.

So I have to congratulate you, because, of course, if staff is excited and if there is a level of interest with our staff, what can we say? I think that is a very excellent barometer of the success in what you all have done, especially as it relates to the diversity issue and in terms of incorporating the diversity of our great country into the overall CVC.

STAFF COMPOSITION AND DIVERSITY TRAINING

So I just wanted to ask, and if you don't have this information you can just send it to us later. But in terms of an update of the diversity efforts and ethnic composition of your staff, Ms. Rouse, and also the diversity training that is being received and the aspects of the tour guide training, because a couple members of the staff asked about the focus on the history of slaves in terms of building of the Capitol, where that is. And really, I just want to make sure all of that is on track, because I want our staff to continue to be excited about this because if they are, then the public will be.

Ms. ROUSE. We will provide you all of that information on the training that we are doing and the breakdown of the staff demographics.

[The information follows:]

Capitol Visitor Center Diversity

Question. Please provide a breakdown of the diversity of the Capitol Visitor Center (CVC) staff.

Response. The CVC staff currently consists of 25 female employees and 38 male employees. Note that these statistics do not include the Capitol Guide Service that, as of the date of this hearing, has not yet transferred to the Office of the Architect of the Capitol (AOC) and the CVC. These statistics do include the four remaining CVC Project Office employees, as well as operations and facility maintenance staff. Of the 63 employees currently on board, 21 are wage grade, and 42 are general schedule. Thirty-seven employees are Caucasian, 21 are African American, two are Hispanic, two are Asian, and one is an American Indian.

Question. Please provide information on the type of diversity training required for staff.

Response. The AOC requires and provides Equal Employment Opportunity training for all supervisors and managers. The AOC plans to expand these efforts to provide diversity training for all AOC employees. This past spring, the AOC re-issued its annual policy statement on Equal Employment Opportunity that articulated the Agency's commitment to provide equal employment opportunities for all employees and applicants for employment, and to ensure a work environment that is free of discrimination. Effective July 1, 2008, the AOC issued an Affirmative Employment Program policy to provide qualified individuals with equal opportunity and access to employment. This program includes deliberate and affirmative efforts to attract and recruit qualified diverse candidates (women, minorities and persons with disabilities) for consideration where such groups are under-represented. Under this program, the AOC will continue to follow applicable Federal employment and anti-discrimination laws while reaching out to diverse groups to broaden the candidate pool. In addition, the CVC provides diversity training to all their employees as part of the new employee orientation program.

Question. Lastly, provide information as to how the history of slave labor in the construction of the Capitol will be provided to guides and visitors.

Response. The issue of slave labor in the construction of the U.S. Capitol is presented in a number of ways in the Capitol Visitor Center. There is text accompanied by images as part of the exhibition concerning the Capitol's early construction history. Philip Reid, a slave instrumental in the casting of the Statue of Freedom, is discussed in text featured in the interpretive rails around the plaster model of the Statue, which is prominently displayed in the transition zone between Emancipation Hall and Exhibition Hall.

In addition, the importance of slave laborers is discussed in the 13-minute orientation film that will be shown to all visitors at the beginning of their tour of the Capitol. Educational information on the role of slave labor from a Congressionally-commissioned report on the same will be incorporated into the working script for guide-led tours and staff-led tours of the Capitol.

The topic also will be covered in the brochure that is available in the Visitor Center, and it will be included in the Capitol Visitor Center's on-line exhibition on its Web site. Finally, there are plans to host public programs that address this issue in a variety of ways.

The issue of slave labor in the construction of the U.S. Capitol will explored during the two-day Congressional Historical Interpretive Training Program, which is training specifically designed for staff that are leading tours of the Capitol. On the first day, the AOC's Preservation Office/Architectural Historian will include this topic in his overview of the Capitol. During the second half of the first day of CHIP training, participants will engage in an exercise that is tangentially related and builds on the profiles of significant minorities and women in Congress.

On the second day of CHIP training, two of the six public historians who are speaking to the staff trainees will address this topic. For example, Mr. James Horton, author of "Slavery and the Making of America," and "Slavery and Public History: The Tough Stuff of American Memory," will speak about the significance of slavery in early American history. Another guest speaker, Mr. Harold Holzer, an expert on Abraham Lincoln and co-chairman of the U.S. Lincoln Bicentennial Commission, will speak about the Civil War. To assist staff members prepare to lead their Capitol tours following the training, a copy of the publication, "The report on the History of Slave Laborers in the Construction of the U.S. Capitol," will be provided to each person who participates in the CHIP program.

Ms. LEE. Thank you very much. Thank you, Madam Chair.

Ms. WASSERMAN SCHULTZ. Mr. Lewis.

CVC PROGRESSION

Mr. LEWIS. Thank you very much, Madam Chairman. I wanted to come for a moment just to share with those who are here that this is the middle of my 30th year on the Appropriations Committee and specifically dealing with the legislative branch.

Vic Fazio and I worked together for many, many of those years as he was chairman and I was his ranking member on the legislative branch subcommittee. Early on, he and I both had very, very serious reservations which we communicated in more than one way about a CVC. Really good and interesting idea, if you can ever get it done.

I must say that as I watch this progress, it is a phenomenal addition to the Capitol. It will give us a great opportunity to introduce the public to their Congress in many a way. During all of that time, if we were going to have a CVC, I tried to convince David Obey that we ought to have a major room there for appropriations, a full committee room. I have not been successful to do that, but with Ms. Wasserman Schultz we may have one anyway.

Having said that, during all those years it was my privilege to work with Chuck Turner, a very, very stable, solid, solid member of our staff. He is leaving, as I think you all know, at the end of October. Chuck has a home near downtown Las Vegas just far enough away from the strip that he won't lose all of his money there. But while many of you may not see much of Chuck after he leaves, except at his choosing, I probably will see more of him than he might imagine. Arlene and I have three grandchildren who live very near the home that he has purchased in Las Vegas. We visit them rather than the slot machines, and Chuck is one of my favorite people. Congratulations to you, Chuck, and thank you very much for your long service.

Ms. WASSERMAN SCHULTZ. Thank you very much.

Mr. Bonner.

Mr. BONNER. Thank you, Madam Chairman. You have covered some of the topics already about the drop-off and the traffic flow and the questions that were raised earlier about the Capitol Historical Society, I think, expressed the concerns that we all have. I just have got a couple quick questions for Mr. Ayers as well as a word of thanks and also a quick question for Mr. Livingood.

AOC APPRECIATION

First of all, a word of thanks. You and your staff have been outstanding in responding to my office, so I know you have been responsive to every member not just of this committee but of the entire Congress in helping us understand what is going on at the CVC; and, as the gentlelady from California just mentioned, get excited about what is going on, so that when the grand opening occurs, we can all be proud of this moment.

Thank you for your staff giving me and my staff a chance to go down just a few days ago. As you will recall, in July I raised this question before the committee about the words "In God We Trust," and why they were not included in the original replica of the dais

of the House Chamber in the exhibit area, knowing that is it is not a perfect replica but still thinking that the omission of the words made more of a statement than the fact that the words would have actually been included.

So thanks for the work your office has done working with the Capitol Preservation Commission to put those words where they belong. And I am just wanting to make sure on the record that, in fact, when the Visitor Center opens, that the words "In God We Trust," as they are in the House Chamber, will be in that CVC replica.

Mr. AYERS. Yes, sir. They will be.

PLEDGE OF ALLEGIANCE/STAR-SPANGLED BANNER

Mr. BONNER. Now, thanks for that. Here is a question. When we went on our tour—and our country is going through as we all know some very serious times, and this Congress is being asked to take measures that perhaps are unprecedented in modern times. It seems to me one missed opportunity, and I would just put this on the record. I know my chairwoman does not believe that we should be museum curators in helping to design where each exhibit goes. But if you were to poll the American people, and ask them to recite the Star-Spangled Banner and the Pledge of Allegiance or to say what the history of our flag is, I am afraid that we would find an alarmingly high percentage of people who could not do all three.

And it seems to me, in that beautiful great space that we have it is a missed opportunity to not more prominently display the Pledge, the Star-Spangled Banner, and the flag itself.

So without requesting, since I am not the chairman, that on behalf of the committee that you do that, my request would be would your office work if—because I am going to go through the Commission, and ask that they work with your office—I am asking, would you work with the Commission to explore the possibility of a more prominent display of the Pledge, the flag, as well as the Star-Spangled Banner?

Mr. AYERS. Of course. We would be happy to work with the Capitol Preservation Commission to do that.

Mr. BONNER. Thank you.

KIOSK CONSTRUCTION—CR EFFECT

Now, my question to Mr. Livingood. Thank you. I want to say thanks as many chances as I get. I see the construction of the kiosk that will be in the Cannon Tunnel for those of us who are not in the Rayburn Building. Would a continuing resolution affect the operation of that, the funding of that? And how do you anticipate going forward, allowing visitors from Longworth and Cannon getting over to the building with that new desk?

Mr. LIVINGOOD. That is funded with a CR. And it will be open as soon as that desk is finished, very shortly, and we have it manned.

Mr. BONNER. Great response. I have been on the subcommittee for about 6 months, and you have acted extraordinarily well, Mr. Sergeant. Thank you so much. Thank you, Madam Chair.

CHAIR CLOSING REMARKS

Ms. WASSERMAN SCHULTZ. Thank you, Mr. Bonner. I just want to remind the members that we do have a Museum of American History in the Smithsonian. That would be an appropriate place to display the items that Mr. Bonner just detailed. The CVC is designed to focus on the history of the Congress and the Capitol. So we do have to be careful, again, like you said and I have said before, we are not museum curators. We do have to be careful about not micromanaging the contents and really diluting the purpose of the Capitol Visitor Center. So I would just caution the members on the guidance that they provide to the people who make decisions about the content of the CVC.

Do any of the other members have any more questions? Okay. Since this is the last CVC hearing, I would be remiss if I didn't assign homework. But my homework is this. Just open the CVC on time on December 2, safely. Make sure that all the logistical items are in place. Keep your nose to the grindstone for the next 10 weeks, because that is about all that is left, and let's just continue to work towards a successful opening. We have come a long way on this project, and I am looking forward to seeing it brought in officially for a landing.

With that, I am going to close the open portion of this hearing. If the people in the audience could clear the room very quickly because I only have about 15 or 20 minutes left before the CR goes on the floor or before the disaster legislation goes on the floor. So thank you very much.

[Witnesses' prepared statements and responses to questions follow:]

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

Regarding the Capitol Visitor Center Project

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

September 24, 2008

Madam Chair, Congressman Latham, and Members of the Subcommittee, I am pleased to be here today to report on the progress made to complete the Capitol Visitor Center (CVC), and prepare for its opening on December 2, 2008. Joining me today, as is the custom, are Mr. Bernie Ungar, CVC Project Executive, and Ms. Terrie Rouse, our Chief Executive Officer for Visitor Services.

Since the Subcommittee's July hearing, we have made tremendous progress. We received the Temporary Certificate of Occupancy from the Fire Marshal on July 21; nearly two weeks ahead of our scheduled date. It was issued upon the completion of a series of successful tests of the Visitor Center's fire detection and life-safety systems, and its receipt has allowed workers and staff to occupy and fit out the facility with the interior furnishings and equipment needed to support the staff and thousands of visitors that will flow through the doors every day.

Over the past several weeks, staff from the Senate Recording Studio, the Office of Senate Security, and U.S. Capitol Police have moved into their Capitol Visitor Center spaces. We expect that the Permanent Certificate of Occupancy will be issued shortly.

Madam Chair, we've been hearing great things from the new tenants about the expansion spaces. They appreciate the new space, and Members of Congress have commented on the fact that there will be more space to accommodate public meetings and hearings.

Minor construction work continues in the East Front, Senate Atrium, and Library of Congress tunnel, as well as on the landscape and punchlist items. Earlier this month, the contractor turned over all 17 elevators inside the CVC to the AOC. These elevators have passed code inspections and are available for use. Crews continue to clean the stone floors throughout the CVC, and apply stone sealant to protect the stone and create a non-slip surface. Metal workers continue to install interior bronze handrails along the south staircase in the East Front extension, and crews continue to install terrazzo flooring the Library pedestrian tunnel. Testing of the CVC's security systems is nearing completion.

Outside, we are working with the D.C. government to install a traffic light on First Street where the PEPCO vault work was completed earlier this summer ahead of schedule. Plaza paver repair work continues as planned, and we will soon be replacing the wooden perimeter fencing with a temporary fence as we complete plaza and landscaping work to restore the East Front to its traditional look. Other efforts on the East Front include the re-installation of the historic Olmsted fountains and light fixtures, the removal of the acoustic windows, and the restoration of Capitol Grounds.

As they have been doing since this spring, professional crews continue to clean the CVC's public spaces, and are working in areas of the House and Senate Expansion Spaces. Other crews continue to work to complete punchlist items such as millwork, wall stone, floor stone, grout, plaster work, carpeting, doors, paint, and other finishes.

Just outside the Exhibit Hall, the plaster model for the Statue of Freedom has been moved into the CVC, and its installation is on schedule to be completed by mid-October. The information desks and benches are being installed in Emancipation Hall this week. The orientation film and the House and Senate films have been tested, adjusted, and are completely installed and ready for use. Installation of the 3-D artifacts is ongoing and should be completed this month. Beginning in October, we'll start installing the historic documents.

Also included in all these preparatory activities is the relocation of 23 statues from the National Statuary Hall Collection in Capitol Building to the CVC. (The 24th statue – a replacement from

the state of Alabama -- will be located in the CVC after its arrival at a later date.) The statues selected to be moved are those that were most recently donated to the collection, and represent the diversity of our country. Eighteen additional statues are being rearranged throughout the Capitol Building to create balance and provide for improved visitor flow.

Our Capitol Superintendent's Office continues to hold coordination meetings with future occupants and is proceeding with the relocation of offices as planned. As I mentioned earlier, several offices are settling into their new spaces, and by next week, our Visitor Services staff will be moved into their permanent offices in the CVC. In addition, all of the furniture in the food service areas has been put into place, and we are working with the food service contractor to arrange deliveries of its necessary supplies and equipment.

As of September 18, there were approximately 2,800 open items on the main punchlist. We continue to work closely with the Office of Compliance, U.S. Capitol Police, and the Fire Marshal on specialty items that require special focus. Since July 1, 42 change orders were settled, and the magnitude of change order proposals now being received has generally decreased. Gilbane and the CVC Project Team continue to focus their efforts on settling outstanding change orders as quickly as possible.

In anticipation of the CVC's opening, Ms. Rouse and our team continue to work on plans for CVC's visitor services operations. She has several updates to share with the Subcommittee today.

Madam Chair, I'd like to conclude my testimony by noting that the CVC has been recognized with several awards over the past few months. As you know, this spring the CVC project was recognized by the Washington Building Congress with 14 awards for the high-quality, professional workmanship demonstrated throughout the facility. In addition to these honors, the Project Team recently received the 2008 *Excellence in Construction* award from the Metro Washington and Virginia Chapters of Associated Builders and Contractors. A second *Excellence in Construction* Award for General Construction was presented for the House and Senate Expansion spaces.

For these professional organizations to recognize the CVC for its superb craftsmanship and quality is a distinct honor. The fine team that has worked on this project can take great pride in their role in helping to complete the largest single expansion of the Capitol Building.

As always, we appreciate the continued support of this Subcommittee and Congress as we work to ready the CVC for the visiting public later this year. This concludes my statement, and I would be happy to answer any questions you may have.

Statement of Ms. Terrie S. Rouse
Chief Executive Officer for Visitor Services
for the Capitol Visitor Center, Office of the Architect of the Capitol

Before the Subcommittee on Legislative Branch
Committee on Appropriations

Regarding
Capitol Visitor Center Operations

September 24, 2008

Madam Chair, Congressman Latham, members of the Subcommittee, I am pleased to appear before you again with an update on Capitol Visitor Center operations.

Internal Communications

My staff and I took advantage of the August recess by undertaking a comprehensive internal communications effort among Members' offices. This included the distribution of fact sheets about various aspects of our operation including the role of our new Visitor Assistants, the placement of the model of the Freedom Statue in Emancipation Hall, the Exhibition Hall, our two gift shops, and the restaurant. We also distributed information to Congressional staff who will be leading tours of the U.S. Capitol about their participation in the Congressional Historical Interpretive Training Program or "CHIP program." This "CHIP" program, which consists of interactive training, will teach participants how to deliver consistent, compelling, and accurate tours to visitors. Each program participant will become a certified Congressional Tour Guide upon completion of the program

Advance Reservation System

We also distributed introductory material to Members' offices about the Capitol Visitor Center's new Web-based advance reservation system that will replace the existing system for scheduling Capitol tours. As you know, through the advance reservation system, Members may schedule tours on behalf of their constituents or direct their constituents to the Office of Visitor Services to schedule a tour. The advance reservation system will be available in late October or early November -- 24 hours a day, 7 days a week.

Visitors may book a tour through the offices of their Representative or their Senators via the Web site, or they will be able to schedule Guide-led tours themselves using the Capitol Visitor Center Web site. There will be links on every page of the Capitol Visitor Center Web site that direct constituents to their Representative's or Senators' home pages and allow them to book tours through one of those offices. Staff-led tours may also be reserved by Members' offices through the same system.

A number of features will be customized for each Member's office prior to the launch of the advance reservation system. However, it will still be up to the Member to make sure his or her Web site provides updated information for constituents interested in booking tours of the Capitol. All Members' offices should be prepared to update any and all information on their sites pertaining to visiting the Capitol, including the hours and days of operation, the visitor etiquette, and other critical aspects of touring the Capitol.

We will send out suggested language and critical links to Members' offices later this month, and, of course, Capitol Visitor staff will continue to assist Members in determining what modifications are needed to their Web sites in order to assist their constituents in booking tours.

Next month, we are planning several orientation sessions for House and Senate staff, where Visitor Center staff will be available to answer questions on any and all aspects of our operation.

Test and Adjust Program

As I mentioned at the July hearing, beginning next month, we are planning a period of what we call "test and adjust" where all aspects of the facility are tested using diverse groups of people who can provide feedback to our staff on all phases of the visitor experience. We will test visitor flow and circulation, staff procedures, and facilities and amenities to ensure optimal operation performance when we open to the public on December 2.

During October, our audiences will be mostly internal, consisting of Congressional staff who need to familiarize themselves with our operations and the physical layout of the Visitor Center. On special Members of Congress days, we will invite Members and Senators to come through the Visitor Center, although many have done so already. In November, external audiences that will include senior citizen groups, schoolchildren, neighborhood groups, concierges, and other

organizations will help provide us with valuable feedback so that we can adjust operations as necessary before December 2.

New Director of Visitor Services

I am pleased to announce that we've recently hired a crucial member of our management team, Ms. Beth Plemmons, who is the Director of Visitor Services for the Capitol Visitor Center. Beth is responsible for the overall operation of Visitor Services at the U.S. Capitol. On a daily basis, she coordinates visitor-related operational activities and events, including working with the U.S. Capitol Police, the House and Senate Sergeants at Arms and with the Capitol Visitor Center restaurant, gift shop, and Exhibition Hall staff. Beth has extensive experience in visitor services, which will be invaluable as we prepare to open the doors to our beautiful new facility.

Prior to coming here, Beth was employed as the Associate Director for Guest Services at Mount Vernon Estate and Gardens where she supervised ticketing and group sales for more than one million visitors annually. Prior to her work at Mount Vernon, she was the Director of Ticketing and Reservations at the Biltmore Estate in Asheville, North Carolina, where she managed more than 100 employees and $55 million in revenue.

Impact of Continuing Resolution

As I mentioned at the last hearing, there are very real concerns about the operation of the Capitol Visitor Center under a continuing resolution. We are working through these issues with House and Senate staff.

It is possible to open the Capitol Visitor Center under the constrained circumstances that arise under a continuing resolution. Even limited funds will allow us to provide adequate service during non-peak months when our visitors are mostly local and regional.

In addition, as long as we receive approval to staff the Visitor Center to the required level, and receive the Guide Service funding that we need, during a continuing resolution we will be able to serve the anticipated millions of visitors and constituents who are expected to come to the Capitol and the Library of Congress in March and April. We appreciate the efforts on the part of your staff to assist us in the Guide Service transition.

Under the continuing resolution, we will need to defer some planned purchases and activities. We have examined pending and future purchases, and have reprioritized activities to ensure we can fund essential items. We are still concerned that unknown issues could drive additional funding shortfalls during a continuing resolution, but we will work with you and your staff if that should occur.

The Capitol is already an obligatory stop for people who come to Washington – it will become even more so once we open the doors of the Visitor Center. A well-trained visitor services staff along with fully-functioning systems and procedures is critical so as to ensure that as many people as possible will have an opportunity to enjoy the rich educational experience within the Visitor Center and to experience the historic Capitol Building.

The Capitol Visitor Center was designed to maximize public access to the U.S. Capitol while enhancing the experience for the millions of people who come to walk its historic corridors. Its mission is to provide a welcoming, educational, safe, and comfortable environment for visitors to learn about the Congress, the legislative process, and the Capitol Building. Operating the Visitor Center without adequate funding will undercut these basic objectives.

We only have one chance to make a first impression once we open the Visitor Center – and I want to make sure that everyone's first impression of the Capitol Visitor Center is first-rate. We continue to work closely with the U.S. Capitol Police, the House and Senate Sergeants at Arms, and others to ensure that the visitor experience will be first-rate from the moment our guests enter the Capitol complex.

Madam Chair, as I have noted at prior hearings, we have much to do and not much time to do it in. We also look forward to the final passage of the legislation that establishes our Visitor Services organization which provides for the management and administration of the Capitol Visitor Center.

Thank you, again, for this opportunity to update the Subcommittee on our activities, and thank you for your continued support. I am happy to answer any questions you may have.

United States Government Accountability Office

GAO

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

For Release on Delivery
Expected at 11 a.m. EDT
September 24, 2008

CAPITOL VISITOR CENTER

Update on Status of Project's Schedule and Cost as of September 24, 2008

Statement of Terrell G. Dorn, Director,
Physical Infrastructure Issues

GAO-08-1172T

Madam Chair and Members of the Subcommittee:

I appreciate the opportunity to be here today to assist the Subcommittee in monitoring progress on the Capitol Visitor Center (CVC) project. My remarks will focus on (1) the Architect of the Capitol's (AOC) construction progress since the last CVC hearing on July 8, 2008,[1] and (2) the project's expected cost at completion and funding status.

Today's remarks are based on our review of schedules and financial reports for the CVC project and related records maintained by AOC and its construction management contractor, Gilbane Building Company; our observations on the progress of work at the CVC construction site; and our discussions with the CVC team (AOC and its major CVC contractors) and AOC's Chief Fire Marshal. We also reviewed AOC's construction management contractor's periodic schedule assessments.

Construction Is Essentially Complete

Since the July 8, 2008, CVC hearing, the project has passed a significant milestone—the fire marshal's issuance of a temporary certificate of occupancy—and although issues in certain CVC and expansion space work remain, AOC expects to have the project ready for opening on December 2, 2008, as scheduled. According to AOC's construction management contractor, in dollar terms, the overall CVC project remains 99 percent complete.[2] Some risks to the project's schedule remain in completing work needed to start up and open the building as planned. In addition, many punch list[3] items remain to be completed, and a number of proposed change orders have to be resolved. At this time, AOC does not expect the punch list items or the proposed change orders to affect the project's opening date.

Since the last hearing, the fire marshal has substantially completed fire alarm acceptance testing.[4] While the fire marshal has issued a temporary

[1]GAO, *Capitol Visitor Center: Update on Status of Project's Schedule and Cost as of June 27, 2008,* GAO-08-900T (Washington, D.C.: July 8, 2008).

[2]In other words, the sequence 2 contractor has received about 99 percent of the current contract value. This value does not include the costs of unsettled proposed change orders, potential claims, and work performed outside the current sequence 2 contract, such as the fire marshal's fire alarm acceptance testing.

[3]A punch list identifies tasks, usually minor, to be completed at the end of a project.

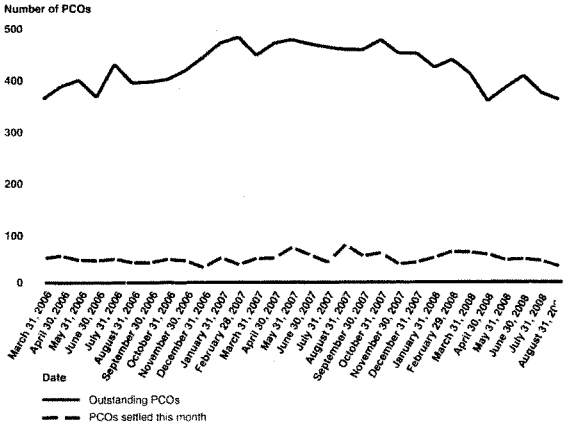
[4]All regularly scheduled testing has been completed. However, portions of the system will be retested in the coming weeks to verify the effectiveness of changes made following the initial system tests.

certificate of occupancy, incomplete work in several areas still has the potential to limit preparations for the project's planned opening or make portions of the facility unusable at the opening. For example, repairs to exit stairs are taking longer than planned and, if not completed in October, we believe could delay preparations for the opening. AOC has also requested several changes to the restaurant to accommodate the food service vendor, and although the restaurant is expected to be operational, certain sections of its serving line are likely to be incomplete when the CVC opens. In addition, some repairs to plaza pavers and landscaping work may not be complete by the planned opening.

The CVC team has continued to gradually reduce the number of punch list items, which we have identified as a concern at the last several hearings. According to AOC, the number of punch list items has been reduced from over 15,000 to under 3,000. In addition, the planned repairs to the plaza pavers that we discussed at the last hearing have begun and are ongoing. Although it is still not clear who will ultimately be financially responsible for the repairs, we do not anticipate a need for additional appropriations to address this issue.

Each month, the CVC team continues to identify proposed change orders. AOC and its contractors have continued to work together to reduce the number of open (outstanding) proposed change orders, and the number of open orders has declined since our last statement. Sustained attention to this issue is, however, needed to reduce uncertainty about the project's costs. Figure 1 compares the number of outstanding proposed change orders with the number settled each month.

Figure 1: Outstanding and Settled Proposed Change Orders by Month, March 2006 through August 2008



Source: AOC's construction management contractor.

AOC's Cost Estimate Remains the Same, and Additional Funds Will Be Needed in 2009

AOC's current estimate of the cost to complete the CVC project's construction, first reported in September 2007,[5] remains about $621 million. We believe this estimate is realistic and contains a sufficient allowance for contingencies, provided there are no unexpected delays. To date, about $583.3 million has been approved for CVC construction, and of the amounts approved for operations, AOC includes $1.1 million (net of certain construction items) in its total estimated cost to complete. In addition, AOC has $2.4 million more in fiscal year 2008 CVC appropriations that it plans to use for construction after it obtains congressional approval

[5]GAO, *Capitol Visitor Center: Update on Status of Project's Schedule and Cost as of September 25, 2007*, GAO-07-1249T (Washington, D.C.: Sept. 25, 2007).

to obligate these funds.[6] Furthermore, AOC has requested $31.1 million in fiscal year 2009 funds for CVC construction; however, in its current cost-to-complete estimate, AOC indicates it may need an additional $3 million in fiscal year 2009 funds to finish the project. According to AOC, if necessary, the additional $3 million could be reprogrammed.

Madam Chair, this completes my prepared statement. I would be pleased to answer any questions that you or Members of the Subcommittee may have.

Contacts and Acknowledgments

For further information about this testimony, please contact Terrell Dorn on (202) 512-6923 or dornt@gao.gov. Other key contributors to this testimony include Shirley Abel, Michael Armes, Lindsay Bach, Maria Edelstein, Elizabeth Eisenstadt, Jeanette Franzel, Jackie Hamilton, Kara Patton, and Joshua Ormond.

[6]For fiscal year 2008, AOC received $28,753,000 (before rescission) in appropriations for the CVC project. Pub. L. No. 110-161. Of that amount, AOC is allowed, but not required, to use up to $8.5 million for operations. AOC is currently planning to use the $8.5 million for operations.

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Statement of Phillip D. Morse, Sr.,
Chief of Police, United States Capitol Police

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

Regarding the Capitol Visitor Center Project

September 24, 2008

Madam Chair, Congressman Latham and Members of the Subcommittee, I would like to thank you for the opportunity to appear before you today to provide a brief update on the United States Capitol Police role in securing the Capitol Visitor Center, primarily with regard to transportation plans.

The USCP continues to work closely with the Architect of the Capitol (AOC) and our other stakeholders on final steps to prepare the Capitol Visitor Center (CVC) for occupancy and operation. With the opening of the CVC in December 2008, we will begin to efficiently process high volumes of guests and visitors, while maintaining the highest level of security and protection.

As we have previously provided in our testimony on this subject, the Department believes that the main entrances of the Capitol Visitor Center remain the optimum points for visitors to the CVC and the Capitol. Our planning assumptions continue to rely upon the state-of-the-art CVC entrance configuration to process large numbers of visitors in a

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more efficient manner, so that we can sustain the high security standards currently maintained throughout the Capitol Complex. With the anticipated influx of visitors, we are mindful of the need to closely monitor and regulate the number of visitors in the Capitol and the CVC at any given time, so that we may ensure that an evacuation of these structures can be accomplished in a safe and timely manner.

Currently there are three primary points of entry for tour groups to enter the Capitol. The primary entry location for public tours is the Upper West Terrace Door of the Capitol. This is a temporary entry point that has been used while the CVC has been under construction. The two entry points for staff-led tours are through either the Cannon House Office Building or Russell Senate Office Building tunnels into the Capitol.

I am pleased to report that the U.S. Capitol Police has completed formulating Standard Operating Procedures pertaining to police operations in the CVC. In addition, we have written emergency response procedures and training plans to instruct our personnel on how to respond to and mitigate incidents affecting the facility. We have begun CVC Orientation Training for our personnel to begin to familiarize them with the building to include key locations of amenities, emergency exits, staff space and locations of police operations. We will begin formal emergency response and evacuation training next month for all of our personnel to include our specialty units.

We are working with the Director of Visitor Services to support the Test and Evaluation Program that will permit her staff to exercise their plans with control groups

of various sizes over the next two months. We are monitoring this effort so we can learn about visitor flow, ease of entry and exit and how the building will load with occupants. We are also providing her staff with emergency preparedness and response training.

As I discussed at the last hearing, the Department, at the direction of the U.S. Capitol Police Board, developed a plan for screening motor coaches in order to permit access to the CVC main entrance. The issue was examined by the East Front Transportation Action Committee (EFTAC) which included representatives from each Capitol Police Board member, the USCP, the CVC and the Library of Congress. Among the most important requirements and assumptions considered were security, traffic implications, logistical needs, environmental impact, and visitor (customer) satisfaction for each of the possible screening areas. Costs were estimated for each location based on a screening process model developed by the committee. All the options that were considered were designed to efficiently screen motor coaches only; allow them to access drop off and pick up at East Front locations after screening; keep groups of visitors together and not require them to use public based systems; and enhance the visitor experience. Among the parameters considered was the amount of time to screen a loaded bus; the number of buses that could be screened per hour, including drop offs and pick ups; and potential wait times during peak season.

After completing its evaluation, the EFTAC provided four recommended locations for motor coach screening, should bus drop off be allowed on the East Front of the Capitol. It should be noted that motor coaches will continue to be permitted to off

load and load visitors on the West Side of the Capitol regardless of the direction we receive from Congress on the Bus Screening Study that only affects the East Side of the Capitol. We await further direction from the Capitol Police Board and Committees of jurisdiction on this matter.

In closing, I would like to thank you for the opportunity to appear before the Subcommittee today. The Department remains committed to continuing the highest-level of security and service provided to the Congress and the visitors to the Capitol Complex.

I will be glad to answer any questions you may have at this time.

Capitol Visitor Center Hearing
September 24, 2008, 11:00 AM
Rayburn House Office Building – Room 2362A

Questions for the Record from
The Honorable Barbara Lee, Vice Chair
Subcommittee on the Legislative Branch, Committee on Appropriations
U.S. House of Representatives

Capitol Visitor Center Diversity

Question. Please provide a breakdown of the diversity of the Capitol Visitor Center (CVC) staff.

Response. The CVC staff currently consists of 25 female employees and 38 male employees. Note that these statistics do not include the Capitol Guide Service that, as of the date of this hearing, has not yet transferred to the Office of the Architect of the Capitol (AOC) and the CVC. These statistics do include the four remaining CVC Project Office employees, as well as operations and facility maintenance staff. Of the 63 employees currently on board, 21 are wage grade, and 42 are general schedule. Thirty-seven employees are Caucasian, 21 are African American, two are Hispanic, two are Asian, and one is an American Indian.

Question. Please provide information on the type of diversity training required for staff.

Response. The AOC requires and provides Equal Employment Opportunity training for all supervisors and managers. The AOC plans to expand these efforts to provide diversity training for all AOC employees. This past spring, the AOC re-issued its annual policy statement on Equal Employment Opportunity that articulated the Agency's commitment to provide equal employment opportunities for all employees and applicants for employment, and to ensure a work environment that is free of discrimination. Effective July 1, 2008, the AOC issued an Affirmative Employment Program policy to provide qualified individuals with equal opportunity and access to employment. This program includes deliberate and affirmative efforts to attract and recruit qualified diverse candidates (women, minorities and persons with disabilities) for consideration where such groups are under-represented. Under this program, the AOC will continue to follow applicable Federal employment and anti-discrimination laws while reaching out to diverse groups to broaden the candidate pool. In addition, the CVC provides diversity training to all their employees as part of the new employee orientation program.

Question. Lastly, provide information as to how the history of slave labor in the construction of the Capitol will be provided to guides and visitors.

Response. The issue of slave labor in the construction of the U.S. Capitol is presented in a number of ways in the Capitol Visitor Center. There is text accompanied by images as part of the exhibition concerning the Capitol's early construction history. Philip Reid, a slave instrumental in the casting of the Statue of Freedom, is discussed in text featured in the interpretive rails around the plaster model of the Statue, which is prominently displayed in the transition zone between Emancipation Hall and Exhibition Hall.

In addition, the importance of slave laborers is discussed in the 13-minute orientation film that will be shown to all visitors at the beginning of their tour of the Capitol. Educational information on the role of slave labor from a Congressionally-commissioned report on the same will be incorporated into the working script for guide-led tours and staff-led tours of the Capitol. The topic also will be covered in the brochure that is available in the Visitor Center, and it will be included in the Capitol Visitor Center's on-line exhibition on its Web site. Finally, there are plans to host public programs that address this issue in a variety of ways.

The issue of slave labor in the construction of the U.S. Capitol will explored during the two-day Congressional Historical Interpretive Training Program, which is training specifically designed for staff that are leading tours of the Capitol. On the first day, the AOC's Preservation Office/Architectural Historian will include this topic in his overview of the Capitol. During the second half of the first day of CHIP training, participants will engage in an exercise that is tangentially related and builds on the profiles of significant minorities and women in Congress.

On the second day of CHIP training, two of the six public historians who are speaking to the staff trainees will address this topic. For example, Mr. James Horton, author of "Slavery and the Making of America," and "Slavery and Public History: The Tough Stuff of American Memory," will speak about the significance of slavery in early American history. Another guest speaker, Mr. Harold Holzer, an expert on Abraham Lincoln and co-chairman of the U.S. Lincoln Bicentennial Commission, will speak about the Civil War. To assist staff members prepare to lead their Capitol tours following the training, a copy of the publication, "The report on the History of Slave Laborers in the Construction of the U.S. Capitol," will be provided to each person who participates in the CHIP program.

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