LEGISLATIVE BRANCH APPROPRIATIONS FOR 2018

HEARINGS

BEFORE THE

COMMITTEE ON APPROPRIATIONS

HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

SUBCOMMITTEE ON LEGISLATIVE BRANCH

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NOTE: Under committee rules, Mr. Frelinghuysen, as chairman of the full committee, and Mrs. Lowey, as ranking minority member of the full committee, are authorized to sit as members of all subcommittees.

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JENNIFER PANONE, *Professional Staff*
TIM MONAHAN, *Professional Staff*

PART 2

FISCAL YEAR 2018 LEGISLATIVE BRANCH APPROPRIATIONS REQUESTS

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LEGISLATIVE BRANCH APPROPRIATIONS FOR 2018

TESTIMONY OF MEMBERS OF CONGRESS AND OTHER INTERESTED INDIVIDUALS AND ORGANIZATIONS

WEDNESDAY, MAY 3, 2017.

TOM LANTOS HUMAN RIGHTS COMMISSION

WITNESSES

HON. JAMES P. McGOVERN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MASSACHUSETTS

HON. RANDY HULTGREN, A REPRESENTATION IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. YODER. Good morning, everyone. I call the hearing to order. It is my honor to chair this hearing. This is our first official hearing, so this is a big deal. And we are glad to have the Congressman from Massachusetts with us this morning.

I would like to thank Ranking Member Ryan for his service on the committee and the rest of the subcommittee members for all their work to help put together the Legislative Appropriations Subcommittee bill. We will be working on that over the next few months, and this is the beginning of our hearings.

This morning is an open hearing, where we have asked if Members and other outside groups to testify on an issue under our jurisdiction. So we are kind of kicking things off with this broad, open hearing, and then we will move into specific hearings on specific Legislative Branch agency budget requests over the coming weeks.

So, although we receive testimony for the record from Members of Congress and other outside individuals each year, this subcommittee has not had outside witnesses since 2010, so we felt it was important to hear from witnesses in this open hearing on the front end of our 2018 process. We look forward to hearing the testimony today and hope to incorporate the witnesses' comments and concerns into our end product.

The first hearing this morning, we will hear from Congressman James McGovern and Congressman Randy Hultgren. Congressman McGovern is from Massachusetts; Mr. Hultgren is from Illinois.

We will also hear from Joshua Tauberer, President of Civic Impulse, LLC; Kevin Kosar, Vice President of the R Street Institute; Daniel Schuman, Policy Director of Demand Progress; and Keith Kupferschmid, Chief Executive Officer, Copyright Alliance.

In a moment, we will begin with the joint testimony from Congressman McGovern and Congressman Hultgren.

I would first ask that each of the individuals testifying in front of the subcommittee limit your opening remarks to 5 minutes. Your complete statements will be entered into the record, without objection.

I would like to yield to Ranking Member Ryan for any opening remarks he would like to make.

Mr. RYAN. Thank you, Mr. Chairman. Let me first associate myself with your remarks and let you know how excited I am for us to kick off this committee. This is our first hearing of the fiscal 2018 appropriations process, and I am grateful for the privilege to be here with you, work in a bipartisan way to make some good things happen.

While this subcommittee may not appropriate the most money, the agencies and offices in our jurisdiction are among the most essential to the operation of our, small "D," democracy and our, small "D," democratic system. That is why these decisions we make, as we write the 2018 legislative branch bill, matter to all of us.

Today, we are going to hear testimony about the proper role of the Congressional Research Service, an in-house think tank whose nonpartisan experts help ensure we are making informed decisions as we write the Nation's laws. And I know we all utilize CRS a lot.

And we will hear about the activities of a congressional commission on human rights that serves as a resource for Members of Congress making foreign policy decisions in a world where not everyone shares our values.

We will also be joined by a representative of the creative community, whose intellectual property is a critical part of what drives our economy. He will have the opportunity to weigh in on the operation of the Copyright Office from the perspectives of artists, software developers, authors, and other creators.

And as we are all witnessing with the fiscal year 2017 omnibus appropriations bill on the House floor today, making decisions about how to spend taxpayer money, on how to give the people who elected us the most bang for their buck isn't always easy. The more information we have to work with, the better our product will be. And so I thank all of our witnesses for joining us and sharing your thoughts on how money should and shouldn't be spent in the legislative branch of government.

With that, I yield back.

Mr. YODER. Thank you, Mr. Ryan. I appreciate your opening comments.

We are now going to call upon the Honorable James P. McGovern from Massachusetts for his 5 minutes of comments.

Sir, you are recognized.

Mr. MCGOVERN. Thank you very much, Chairman Yoder, Ranking Member Ryan. I am here today in my capacity as the Democratic co-chair of the Tom Lantos Human Rights Commission.

My colleague here, Randy Hultgren, the Republican co-chair, I think hopes to be here. He is in a markup. He may show up, but, if not, he told me that I speak for him.

Mr. YODER. Okay. On all matters.

Mr. MCGOVERN. So let me begin by thanking you for giving us this opportunity to testify, and we deeply appreciate the courtesy.

We are here to request that language be added to the fiscal year 2018 legislative branch appropriations bill to provide $230,000 for salaries and expenses for professional staff for the Tom Lantos Human Rights Commission, an official, bipartisan body of the House of the Representatives.

We know that this request is unusual, but our situation is unusual. Although the Commission was established with the unanimous support of the House in 2008 and has been renewed by every Congress since then, no funds have been specifically designated or appropriated for the Commission's operation.

And here is the background. The Commission has its origins in the bipartisan Congressional Human Rights Caucus, founded in 1983 by John Porter, a Republican from Illinois, and Tom Lantos, a Democrat from California, the only Holocaust survivor to serve in the United States Congress.

It was after the death of Tom Lantos that the initiative was taken to institutionalize the unique bipartisan entity in the House of Representatives focused on human rights and to name it in his honor.

The Commission has a broad global mandate to educate and advise Members and staff and to promote international human rights in a nonpartisan manner.

In carrying out its mandate, the Commission is authorized to use the resources of the Committee on Foreign Affairs. We would like to take this opportunity to express our appreciation to the Foreign Affairs Committee for funding administrative expenses for the Commission, including office space, supplies, computers, and the cost of video recording and transcription of hearings. These resources are valuable and very important to the Commission's success.

But what is missing is funding for professional staff. The establishment resolution provided that professional staff members, nominated by the co-chairs, would be appointed by the chairman of Foreign Affairs. To ensure that Commission staff would not burden the committee nor interfere with the committee's own staffing needs, the resolution specified that full-time staff appointed for the Commission would not be counted in determining the total number of professional staff members the committee may hire under House rules.

But, as I mentioned before, no funds were specifically designated or appropriated for the Commission at the time of its creation, and no funding for staff assigned full-time to the Commission was allocated in the 113th or 114th Congresses.

So this is why we are asking for $230,000 to be designated for professional staffing expenses for the Commission in the fiscal year 2018 legislative branch appropriations bill.

Now, we see a couple of ways in which our request could be accomplished. One would be to support the Commission through the reserve fund that is included in the appropriations bill, with the expectation that funding for the Commission would be regularized in the following year. Another option would be to insert a new provision in the legislative branch appropriations bill similar to what is

done with the John C. Stennis Center for Public Service Training and Development.

One question that you might have is, why not pursue this request through the Committee on House Administration and the Committee on Foreign Affairs? This is a reasonable question that we would answer in two ways. First, we believe that funding for the Commission should not come at the expense of the standing committees. The Commission deserves funding, but we are not seeking to harm other committees in the process. Second, Mr. Royce, as chairman of the Foreign Affairs Committee, has previously expressed his view that the Commission should be funded independently by the committee.

Mr. Chairman, since the 1970s, the Congress has lent support for fundamental human rights and fundamental human freedoms as a core part of our U.S. foreign policy. As we look around the world today, the need for a strong congressional voice in human rights is greater than ever.

During the last Congress, the Commission held 22 hearings and over 40 briefings on topics ranging from religious freedom to the protection of civilians in Syria. In the absence of dedicated funding for professional staff, the Commission did this work and served its bipartisan membership through a rotating patchwork of temporary fellows and volunteers.

The modest request we are making today would allow each co-chair to hire dedicated full-time professional personnel to reinforce the Commission's expertise and further amplify Congress' important voice on human rights and foreign policy.

So, anyway, I thank you for your attention to our bipartisan request and would be willing to answer any questions or hear any comments.

[The prepared statement follows:]

JOINT TESTIMONY OF
U.S. REPRESENTATIVE JAMES P. MCGOVERN (MA)
U.S. REPRESENTATIVE RANDY HULTGREN (IL)

SUBCOMMITTEE ON LEGISLATIVE BRANCH
HOUSE APPROPRIATIONS COMMITTEE
MAY 3, 2017

Chairman Yoder and Ranking Member Ryan, as the Co-Chairs of the bipartisan Tom Lantos Human Rights Commission, we appreciate the opportunity to appear before you today to request that language be added to the Fiscal Year 2018 Legislative Branch appropriations bill that would provide $230,000 for salaries and expenses for professional staff for the Tom Lantos Human Rights Commission, an official bipartisan body of the House of Representatives.

The Tom Lantos Human Rights Commission was established during the 110th Congress pursuant to House Resolution 1451, adopted unanimously on September 24, 2008. The Commission's authorization has been renewed by every Congress since, most recently in House Resolution 5, the rules of the House for the 115th Congress, approved on January 3, 2017.

The Commission has its origins in the bipartisan Congressional Human Rights Caucus (CHRC), founded in 1983 by Congressmen John Edward Porter (R-IL) and Tom Lantos (D-CA). It was after the death of founding CHRC Co-Chairman Lantos, the only Holocaust survivor ever to serve in the United States Congress, and in his honor, that the initiative was taken to institutionalize a unique bipartisan entity in the House of Representatives to educate Members and promote international human rights.

The Commission is led by two Co-Chairs, one appointed by the Speaker of the House and the other by the Minority Leader. Any member of the House of Representatives may join the Commission at no cost. During the 114th Congress, a total of 103 Members of Congress joined the Commission, nearly one quarter of the membership of the House.

In keeping with the establishment resolution, the charge of the Commission is to "promote and advocate in a nonpartisan manner, both within and outside of Congress, internationally recognized human rights norms as enshrined in the Universal Declaration of Human Rights and other relevant international human rights instruments by carrying out the following activities:

"(1) Developing congressional strategies to promote, defend, and advocate internationally recognized human rights norms reflecting the role and responsibilities of the Congress.

"(2) Raising greater awareness among Members of the House of Representatives, their staffs, and the public regarding international human rights violations and developments.

"(3) Providing Members and staff with expert human rights advice and information and by supporting entities of Congress in their work on human rights issues.

"(4) Advocating on behalf of individuals and entities whose internationally recognized human rights have been violated or are in danger of being violated.

"(5) Collaborating closely with other professional staff members of the Committee on Foreign Affairs.

"(6) Collaborating closely with the President, other officials of the executive branch, and recognized national and international human rights entities and nongovernmental organizations in promoting human rights initiatives within Congress.

"(7) Encouraging and supporting Members, especially Members who have been recently elected to the House, to become active in supporting human rights issues so that the United States will continue to be recognized throughout the world as a leader in the defense of internationally recognized human rights norms."

In carrying out its broad mandate, which is also global in scope, the Commission is authorized to use the resources of the Committee on Foreign Affairs. We would like to take this opportunity to express our appreciation to the Foreign Affairs Committee for funding administrative expenses for the Commission, including office space and supplies, computers, and the costs of video recording and transcription of hearings. These resources are invaluable, and have been and continue to be very important to the Commission's success.

What is missing, however, is funding for professional staff. The establishment resolution provided that professional staff members nominated by the Co-Chairs of the Commission would be appointed by the Chairman of the Committee on Foreign Affairs [H. Res. 1451, 2008, Section 5(b)(1)]. To make sure that the appointment of Commission staff would not be a burden on the Committee, nor interfere in any way with the Committee's own staffing needs, the resolution specified that full-time staff appointed for the Commission would not be counted in determining the total number of professional staff members the Committee may hire under House rules [H. Res. 1451, 2008, Section 5(b)(2)]. But no funds were specifically designated or appropriated for the Commission, and no funding for staff assigned full-time to the Commission was allocated in the 113th or the 114th Congresses.

It is for that reason that we are here today to request a new provision be added to the Legislative Branch appropriations bill to finance salaries and expenses for professional staff for the Tom Lantos Human Rights Commission in the amount of $230,000 for FY2018. In keeping with the establishment resolution, the funds would be administered through the House Foreign Affairs Committee.

Including this provision would be consistent with the preference expressed by the Honorable Ed Royce, Chairman of the House Foreign Affairs Committee, before the House Administration Committee during the 113th Congress:

"Mr. ROYCE. ...I would also like to express my concern that the budget of this committee includes the salary and administrative expenses for the House Democracy Partnership, as well as the Tom Lantos Human Rights Commission. **I believe that both of these entities should be funded independently** *[emphasis added]*."[1]

Mr. Chairman, beginning in the early 1970s, Congress has led the U.S. government to support fundamental human freedoms as a core part of its foreign policy. The need for Congressional support of fundamental freedoms around the world has never been greater: from Azerbaijan to Venezuela and from Congo to Yemen, rights and freedoms are being restricted for millions of people, directly impacting important U.S. foreign policy objectives and decisions.

The bipartisan Tom Lantos Human Rights Commission complements the traditional work of standing congressional committees, including the House Foreign Affairs Committee, by holding hearings and briefings on issues that transcend the jurisdiction and interests of multiple committees and subcommittees, and covering topics that the standing committees do not have time to cover. Foreign governments pay close attention to the Commission's hearings and briefings, which also serve as an important platform for civil society from the United States and from around the world to share with Congress its concerns and expertise. The Commission also helps focus the efforts of its members in support of fundamental freedoms and the most basic rights of life, liberty and freedom from torture or government-led repression around the world.

During the 114th Congress, the Tom Lantos Human Rights Commission held 22 hearings and more than 40 briefings on topics ranging from religious freedom to concrete steps that can be taken to protect civilians in Syria. Due to a lack of dedicated funding for professional staff, the Commission has done this work and served its bipartisan members through a rotating patchwork of temporary fellows and volunteers. The modest request we are making today would allow each

[1] U.S. Congress, House Committee on House Administration, *Committee Funding for the 113th Congress (Day 1)*, 113th Congress, 1st Session, March 5, 2013 (Washington: GPO, 2013), pp. 126, https://www.gpo.gov/fdsys/pkg/CHRG-113hhrg80285/pdf/CHRG-113hhrg80285.pdf, accessed April 27, 2017.

Co-Chair of the Tom Lantos Human Rights Commission to hire dedicated full time professional personnel, thus greatly increasing the Commission's effectiveness, reinforcing its expertise, and amplifying Congress' important voice on human rights and foreign policy.

Thank you for your considered attention to this bipartisan request.

[Insert Subcommittee Name Here]

Witness Disclosure Form

Clause 2(g) of rule XI of the Rules of the House of Representatives requires non-governmental witnesses to disclose to the Committee the following information. A non-governmental witness is any witness appearing on behalf of himself/herself or on behalf of an organization other than a federal agency, or a state, local or tribal government.

Your Name, Business Address, and Telephone Number:

James P. McGovern (MA-02)
Member of Congress
438 CHOB 5-6101

1. Are you appearing on behalf of yourself or a non-governmental organization? Please list organization(s) you are representing.

   Self + Tom Lantos Human Rights Commission

2. Have you or any organization you are representing received any Federal grants or contracts (including any subgrants or subcontracts) since October 1, 2012 related to the agencies or programs funded by the Subcommittee?

   Yes (No) –

3. Have you or any organization you are representing received any contracts or payments originating with a foreign government since October 1, 2012 related to the agencies or programs funded by the Subcommittee?

   Yes (No)

4. If your response to question #2 and/or #3 is "Yes", please list the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof), and/or the amount and country of origin of any payment or contract originating with a foreign government. Please also indicate whether the recipient was you or the organization(s) you are representing.

Signature: Date: 4/28/17

Witness Disclosure Form

Clause 2(g) of rule XI of the Rules of the House of Representatives requires non-governmental witnesses to disclose to the Committee the following information. A non-governmental witness is any witness appearing on behalf of himself/herself or on behalf of an organization other than a federal agency, or a state, local or tribal government.

Your Name, Business Address, and Telephone Number:

Randy Hultgren (IL-14)
Member of Congress
2455 Rayburn HOB 5-2976

1. Are you appearing on behalf of yourself or a non-governmental organization? Please list organization(s) you are representing.

Self and Tom Lantos Human Rights Commission

2. Have you or any organization you are representing received any Federal grants or contracts (including any subgrants or subcontracts) since October 1, 2012 related to the agencies or programs funded by the Subcommittee?

Yes (No)

3. Have you or any organization you are representing received any contracts or payments originating with a foreign government since October 1, 2012 related to the agencies or programs funded by the Subcommittee?

Yes (No)

4. If your response to question #2 and/or #3 is "Yes", please list the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof), and/or the amount and country of origin of any payment or contract originating with a foreign government. Please also indicate whether the recipient was you or the organization(s) you are representing.

Signature: Randy Hultgren Date: 4-28-2017

BIOGRAPHIES
REP. JAMES P. MCGOVERN (MA-02)
REP. RANDY HULTGREN (IL-14)

SUBCOMMITTEE ON LEGISLATIVE BRANCH APPROPRIATIONS
MAY 3, 2017

Congressman James P. McGovern was elected to the U.S. House of Representatives in 1996 and is currently serving his eleventh term in Congress, representing the 2nd Congressional District of Massachusetts. He serves on the House Rules Committee and the House Agriculture Committee, where he is the Ranking Member on the Subcommittee on Nutrition. He is the founder and co-chair of the bipartisan House Hunger Caucus, He has served as the Democratic Co-Chair of the Tom Lantos Human Rights Commission since its inception in September 2008.

Congressman Randy Hultgren was elected in 2010 to the U.S. House of Representatives, representing the 14th Congressional District of Illinois. He serves on the House Committee on Financial Services, the Committee on Science, Space and Technology, and the Joint Congressional-Executive Commission on China. He was appointed this year by Speaker Ryan to serve as the Republican Co-Chair of the Tom Lantos Human Rights Commission.

Mr. YODER. Jim, thanks for your testimony this morning. We appreciate your comments. And I think it is a very intriguing proposal you have brought before us.

Twenty-two hearings, that is a lot, you guys have been pretty active on the committee. Can you tell the committee some of what those hearings have generated, what some of the goals are, what you hope to achieve through the Commission?

Mr. MCGOVERN. Part of what we hope to achieve is a greater awareness and understanding of the importance of human rights in our foreign policy. And we are not a legislative committee, we don't report on legislation, but the Commission has been responsible for inspiring legislative initiatives, such as the Magnitsky Act and the Global Magnitsky Act. Basically, it was formulated to put sanctions on human rights violators in Russia, and it has now been expanded worldwide.

But it is also to give a forum to human rights defenders from around the world, who, quite frankly, with the added attention, oftentimes it means that their lives are spared, that they can actually operate as human rights defenders in countries and not have to worry as much about being jailed or imprisoned.

We have done hearings on religious freedom, and on the situation in Syria. We have done hearings on challenges to indigenous communities around the world, Sudan, China, Russia, you name it. Unfortunately, there is not a shortage of human rights crises in the world.

But I would like to also add for the record a letter signed by a number of human rights organizations and advocates, ranging from Freedom House to Amnesty International to Jewish World Watch, who have all supported our request and think that it would be helpful to have permanent professional staff that is dedicated to this, that can develop the institutional memory that can serve not just those of us in this Congress but Congresses in the future.

Mr. YODER. Without objection, we will add that to the record.

[The information follows:]

January 9, 2017

The Honorable Paul Ryan
Speaker
U.S. House of Representatives
H-232, The Capitol
Washington, DC 20515

The Honorable Nancy Pelosi
Democratic Leader
U.S. House of Representatives
H-204, The Capitol
Washington, DC 20515

Dear Speaker Ryan and Minority Leader Pelosi,

As the 115th Congress begins, we are glad to see that H. Res. 5 reauthorized the bipartisan Tom Lantos Human Rights Commission. Today we write to urge your leadership in finding ways to ensure funding to staff the Commission's valuable work during the coming two years.

Beginning in the early 1970s, Congress has led the U.S. government to support fundamental human freedoms as a core part of its foreign policy. The need for Congressional support of fundamental freedoms around the world has never been greater: from Azerbaijan to Venezuela and from Congo to Yemen, rights and freedoms are being restricted for millions of people, directly impacting important U.S. foreign policy objectives and decisions.

The Tom Lantos Human Rights Commission complements the traditional work of Congressional committees by holding hearings and briefings on issues that transcend the jurisdiction and interests of multiple committees – including Appropriations, Armed Services, Foreign Affairs, Government Oversight, and Judiciary – and covering topics that the committees do not have time to cover. Foreign governments pay close attention to the Commission's hearings and briefings, which also serve as an important platform for civil society to share with Congress its concerns and expertise. The Commission also helps focus the efforts of its more than 100 bipartisan members in support of fundamental freedoms and the most basic rights of life, liberty and freedom from torture or government-led repression around the world.

During the 114th Congress, the Tom Lantos Human Rights Commission held 22 hearings and more than 40 briefings on topics ranging from religious freedom to concrete steps that can be taken to protect civilians in Syria. Due to a lack of dedicated funding for professional staff, the Commission has done this work and served its bipartisan members through a rotating patchwork of temporary fellows and volunteers. A modest commitment of funds – $600,000 over two years – would allow each Co-Chair of the Tom Lantos Human Rights Commission to hire dedicated full time personnel, thus greatly increasing the Commission's effectiveness, reinforcing its expertise, and amplifying Congress' important voice on human rights and foreign policy.

We look forward to working with your staff to find these funds and are happy to be of assistance however possible.

Sincerely,

Randel Everett
President
21st Century Wilberforce Initiative

Jordan Sekulow
Executive Director
American Center for Law and Justice

Robert Bank
President and CEO
American Jewish World Service

Margaret Huang
Executive Director
Amnesty International USA

Anthony Vance
Director of Public Affairs
Bahá'ís of the United States

Curt Goering
Executive Director
Center for Victims of Torture

Mervyn Thomas
CEO
Christian Solidarity Worldwide

Courtney Radsch
Advocacy Director
Committee to Protect Journalists

Daniel Calingaert
Acting President
Freedom House

Maran Turner
Executive Director
Freedom Now

Diane Randall
Executive Secretary
Friends Committee on National Legislation

Corinna Gilfillan
Head of US Office
Global Witness

Sarah Margon
Washington Director
Human Rights Watch

Samuel A. Worthington
Chief Executive Officer
InterAction

Jeff King
President
International Christian Concern

Holly Burkhalter
Senior Advisor
International Justice Mission

Susan Freudenheim
Executive Director
Jewish World Watch

Rev. Ron Stief
Executive Director
National Religious Campaign Against Torture

Donna McKay
Executive Director
Physicians for Human Rights

Christophe Deloire
Secretary General
Reporters Without Borders

cc:
Honorable Ed Royce, Chair, House Foreign Affairs Committee
Honorable Eliot Engel, Ranking Member, House Foreign Affairs Committee
Honorable Gregg Harper, Chair, House Committee on Administration
Honorable Robert Brady, Ranking Member, House Committee on Administration

Mr. YODER. Assuming we can find the resources to support the committee's work in addition to the resources that Foreign Affairs Committee has utilized vis-a-vis new dollars that we would be expending, what are the technical changes that need to occur to allow this to happen? Is there authorizing legislation that needs to pass? House rules that need to change?

Is it already authorized?

Mr. MCGOVERN. It is already part of the rules package we pass every year. Our hope would be that, the funding would be appropriated and the Foreign Affairs Committee could then administer the funds.

Mr. YODER. So you think this committee could solely do the work that needs to be done to allow this to occur.

Mr. MCGOVERN. Yes.

Mr. YODER. And you are under the Foreign Affairs umbrella right now. I suppose they are supportive of this.

Mr. MCGOVERN. Right. I think they would not want the funding for these positions to come out of their current allocation. They have a full plate.

Mr. YODER. Right.

Mr. MCGOVERN. We have established this commission, it has been bipartisan, it has worked. We had 113—how many Members in the last Congress?—103 Members of the House were members of the Commission last Congress. We continue to solicit new membership in this Congress.

And I should tell you too that I serve on the Rules Committee; I am on the Agriculture Committee too. What amazes me about the hearings by the Commission is that they are always well attended, not only by members, but, we fill the room. So there is great interest by staff and by advocates who care about human rights. And I think it has been a net positive to the work that we do here.

Mr. YODER. Okay. Great.

Mr. Ryan.

Mr. RYAN. I don't have any questions.

Mr. YODER. Mr. Moolenaar.

Mr. MOOLENAAR. No.

Mr. YODER. Okay.

Thank you. Anything to add?

Mr. MCGOVERN. I submitted this letter for the record. If there are any other questions, just get ahold of us.

Mr. YODER. Jim, we appreciate your testimony today.

Mr. MCGOVERN. Thank you.

Mr. YODER. And my staff will look forward to working with you on this proposal.

Mr. MCGOVERN. Thanks very much.

Mr. YODER. Thanks. We appreciate you being here.

PUBLIC ACCESS TO LEGISLATIVE INFORMATION

WITNESSES

JOSHUA TAUBERER, PH.D., PRESIDENT, CIVIC IMPULSE, LLC
DANIEL SCHUMAN, POLICY DIRECTOR, DEMAND PROGRESS
KEVIN KOSAR, VICE PRESIDENT FOR POLICY, R STREET INSTITUTE

Mr. YODER. Okay, committee, we are now going to turn our attention to a second subject this morning. And I think we have three folks that would all like to testify regarding the same subject, so our intention is to bring all three folks up. So that would be Mr. Tauberer, Kosar, and Schuman.

Again, gentlemen, welcome to the committee. We appreciate your appearance this morning. I know it is a very important subject regarding transparency in government that you would like to testify to the committee about this morning, and so each of you will be recognized for 5 minutes. You certainly don't need to use all of that time, but ideally you would all testify, and then we could ask questions of any of you or all of you.

So I will start with Mr. Tauberer.

Welcome to the committee, and please begin.

Mr. TAUBERER. Thank you for having me here today. My name is Joshua Tauberer. I am the founder and president of Civic Impulse, LLC, which is the company behind the website govtrack.us.

Each year, around 10 million individuals use our free tools to research and track legislation in the United States Congress. Our users include journalists, legislative affairs professionals, and small businesses, Federal and State agencies, legislative staff here on the Hill, advocates, teachers, students, and, of course, members of the general public. And my testimony today on supporting public access to legislative information is really on their behalf.

I would like to begin by commending the subcommittee for its support of important programs in the last several years that have allowed us to bring more accurate and timely information to our users. And I will mention some of those programs, and the rest will be in my written testimony.

The House of Representatives Bulk Data Task Force was formed 5 years ago as a joint effort of the Government Publishing Office, the Library of Congress, and the Clerk of the House to create a database of all legislation before Congress that could be shared in bulk with internal and external stakeholders. You can think of it like a spreadsheet of bills before Congress with hundreds of columns about dates of floor votes and so on. And that spreadsheet, remarkably, didn't exist beforehand.

The task force's goal was ambitious, and last year the task force delivered. The new data has allowed us to disseminate the most accurate information yet about the status of pending legislation before Congress using official data published through modern means.

The launch of congress.gov by the Library of Congress several years ago and its continual improvement since its launch, using what is called agile methodology, is an example for the whole legislative branch in how to get the most out of a modern information technology investment. Congress.gov has greatly improved search results compared to the old thomas.gov. And it won't be long now before congress.gov surpasses the functionality of my own organization's website, and I look forward to that day.

Lastly, the House Administration Committee's Legislative Data and Transparency Conference, which takes place each summer here in the Capitol Building, is a unique opportunity for outside stakeholders like GovTrack, my organization, and inside stake-

holders like the Clerk to learn about each other, which makes all of our efforts to keep the public informed most effective.

I also want to take a moment to commend the staff at the House offices and legislative branch agencies that I named who have done remarkable work in producing accurate, durable, and timely information within the constraints that an institution like the House of Representatives requires.

The subcommittee's support for these programs which provide public access to legislative information ensures that accurate information reaches the American public. And my users love that information. They want to know what is going on by reading the bills, checking the votes, maybe watching some hearings like this one.

But let me be clear: It is not about playing gotcha. Our users are professionals who have a job to do, including your staff who use our website. Our users are also regular Americans, who feel they also have a job to do, which is to vote in elections, to stay informed, and to learn what it takes to sit on your side of the table as a future, maybe, Member of Congress.

My job is to take the information from Congress, the official record, from you and bring that to the widest audience I can and teach them how Congress really works so their relationship with you is a meaningful one.

So, to continue the subcommittee's support, I will make the following recommendations for the upcoming fiscal year.

One, create a public advisory committee on legislative transparency for stakeholders both on the outside and on the inside to engage systematically on this issue, including but not limited to access to data.

Two, make the Bulk Data Task Force permanent and fund the participation of the offices and agencies that are members of the task force.

Three, support congressional publication of other important information, especially in a structured data format like XML, including floor amendments, committee votes, the biographical directory, a.k.a. BioGuide, the nonconfidential reports of the Congressional Research Service, and other information that furthers an open and transparent Congress.

Four, continue to support information to modernize the House's information technology systems, especially with respect to the work of committees and efforts to connect constituents with their Representatives. Cultivate the legislative branch's in-house technology talent, which already exists, as other parts of the government are already doing, because information technology now plays a role in everything we do—including how to read this testimony.

And, five, increase House staff levels above their current historic lows so that the House has sufficient capacity for policy analysis, oversight, and constituent services. Direct the Congressional Research Service to report on how staffing levels impact the House's capacity to function, and make that report public.

I would be glad to discuss these topics further and tell you more about how the work of the House on public access to legislative information translates into a stronger democracy.

Thank you for your time and the opportunity to speak today.

[The prepared statement follows:]

Testimony for the Record: FY 2018 Legislative Branch Budget Request

Submitted by:
Joshua Tauberer, Ph.D.
President, Civic Impulse, LLC

To:
House Committee on Appropriations
Subcommittee on Legislative Branch

Regarding:
Public Access to Legislative Information

April 28, 2017

Dear members of the subcommittee:

Each year ten million individuals use our free website www.GovTrack.us to research and track legislation in the U.S. Congress. Our users include journalists, legislative affairs professionals, legislative staff on the Hill, advocates, teachers, students, and of course member of the general public. This testimony is submitted on their behalf.

I would like to begin by *commending* the subcommittee for its support of important programs in the last several years that have allowed us to bring accurate and timely information to our users:

- The **House Bulk Data Taskforce's legislative bulk data** program, which went live in 2016 and was a joint effort of the Government Publishing Office, the Library of Congress, the Clerk of the House, and the Senate, has allowed us to disseminate the most accurate information yet about the status of pending legislation.
- Several projects of the House Committee on House Administration including **Docs.house.gov,** publishing the **United States Code in XML**[1] (with the Law Revision Counsel), improving the **bill drafting process using XML** (with the Office of Legislative Counsel), and the yearly **Legislative Data and Transparency conference**.
- Improvements to the **House Clerk's website**, including new member information.
- The launch of **Congress.gov** by the Library of Congress, and its **agile**-lead improvements since its launch, which is an example for the whole legislative branch in how best to develop modern technology.
- **Digitization** and publication of core historical documents by the Government Publishing Office and Library of Congress, including the Congressional Record, Statutes at Large, and Constitution Annotated (though more work is needed here).

[1] In my personal capacity I was a sub-contractor on this project.

Public access to legislative information remains an important need, and the subcommittee's support for programs that provide such access **ensures that accurate information reaches the American public** – the tens of millions of Americans who include not only our users but also Americans who learn about their government by reading newspapers and magazines which rely on our service and Congress.gov for their research.

I also *commend* the staff at the House offices and legislative branch agencies named above who have done remarkable work in producing **accurate, durable, and timely** information within the constraints that an institution like the House of Representatives requires.

To *continue the subcommittee's commitment to public access to legislative information*, I respectfully recommend the following:

- Create a **public advisory committee on legislative transparency** for stakeholders to engage systematically on this issue, including but not limited to access to data.
- Make the **Bulk Data Taskforce** permanent and fund the participation of the offices and agencies that are members of the taskforce.
- Support congressional publication of other important information in a structured data format, including **amendments**, **House committee votes**, the **Biographical Directory (Bioguide)**, and **committee witness** documents.
- Continue to support efforts to modernize the House's technology systems especially with respect to the work of **committees** and efforts to **connect constituents to their representatives**. Cultivate the legislative branch's **in-house technology talent** as other parts of the government are doing.
- **Increase House staff levels** above their current historic lows so the House has sufficient capacity for policy analysis and oversight and **direct the Congressional Research Service to report on** on how staffing levels impact the House's capacity to function, and make that report public.
- Systematically release the **non-confidential Congressional Research Service reports** to the general public. Years of experience has demonstrated that public access to these reports enhances the public debate without creating a commensurate burden.

I would be glad to discuss these topics further and tell you more about how the work of the House on public access to legislative information translates into a stronger democracy.

Yours,

Joshua Tauberer
President, Civic Impulse, LLC (GovTrack.us)
tel: 202-558-7227 · email: tauberer@govtrack.us

Bio for Joshua Tauberer:

Joshua Tauberer, Ph.D., is the founder and president of Civic Impulse, LLC, the organization behind the website www.GovTrack.us. GovTrack provides free legislative reference and tracking tools to around 10 million individuals annually and has provided bulk data and GIS information services to dozens of House member and caucus offices. GovTrack is regularly cited in the news media for policy and fact-checking information. Tauberer is an expert in the legislative process, a pioneer in the field of open government, an entrepreneur, and a software developer that has also worked with the House Office of the Law Revision Counsel and the District of Columbia municipal government on improving the publication process of the law. Tauberer was the lead organizer for five years of a 300-person civic technology event and is a member of the Open Government Advisory Group to the DC mayor. Tauberer holds a Ph.D. from the University of Pennsylvania.

Witness Disclosure Form

Clause 2(g) of rule XI of the Rules of the House of Representatives requires non-governmental witnesses to disclose to the Committee the following information. A non-governmental witness is any witness appearing on behalf of himself/herself or on behalf of an organization other than a federal agency, or a state, local or tribal government.

Your Name, Business Address, and Telephone Number:
Joshua Tauberer 202-558-7227
Civic Impulse LLC
3460 14th St NW #125
Washington, DC 20010

1. Are you appearing on behalf of yourself or a non-governmental organization? Please list organization(s) you are representing.

   On behalf of Civic Impulse, LLC.

2. Have you or any organization you are representing received any Federal grants or contracts (including any subgrants or subcontracts) since October 1, 2012 related to the agencies or programs funded by the Subcommittee?

   [Yes] No

3. Have you or any organization you are representing received any contracts or payments originating with a foreign government since October 1, 2012 related to the agencies or programs funded by the Subcommittee?

   Yes [No]

4. If your response to question #2 and/or #3 is "Yes", please list the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof), and/or the amount and country of origin of any payment or contract originating with a foreign government. Please also indicate whether the recipient was you or the organization(s) you are representing.

   I (personally) received a subcontract for the House Administration Committee's OLRC US Code modernization project in the amount of approx. $25,000.

Signature: Joshua Tauberer Date: April 28, 2017

Mr. YODER. Thank you for your testimony this morning.

Mr. Schuman.

Mr. SCHUMAN. Thank you so much.

Chairman Yoder, Ranking Member Ryan, Congressman, thank you so much for having us come and speak to you today. It is, you know, great that you are having open testimony. As you know, this is the first time in 6 or 7 years since 2011. I was here the last time around. I have gotten older; I now have to wear glasses. But we are glad to be back.

And, Dr. Tauberer, is too modest. His website has 800,000 looking at it on a monthly basis, and he is responsible for literally millions of people having access to information to what Congress does.

Mr. TAUBERER. Thank you.

Mr. SCHUMAN. So it is really phenomenal work, and what he has done with other folks.

So I am here on behalf of Demand Progress, but I am actually representing 42 organizations from across the political spectrum. And so I have sort of unusual allies. You don't often see the American Civil Liberties Union and Americans for Tax Reform agreeing; or CREW and Cause of Action; my organization, Demand Progress, and Freedom Works. We have a lot of sort of unusual allies, you know, a lot of reporters groups, all three library associations, all in support of public access to CRS reports.

So I used to work at CRS. Kevin is going to talk a little bit about how 25 former CRS employees also have endorsed public access to the reports. And unlike me, they have a combined 570 years, I think, of experience at the agency. So this has, you know, pretty broad, bipartisan support.

And I just want to be clear what we are talking about. We are talking about the general distribution reports that are made available on CRS's internal website. There are 1,200 or so new reports every year and 2,400 or so that are updated. So we are not talking about confidential reports. We are not talking about the 3,100 confidential memoranda. We are not talking about the advice that they give your offices.

We are only talking about the reports that are generally available to congressional offices and that Congress as a routine matter makes available to the public. And Kevin will talk about this more, but, you know, through committee reports; Member offices, of course, release them online, as well. And there are a number of services that make them available either for free or at cost.

But there is a problem with the current circumstances that we have now, which is that the most recent reports are not, sort of, uniformly made available to the public. And you have a number of negative consequences that come from this.

One is that, when the public looks at the report, or journalists or lobbyists or academics, they don't necessarily know that they have the most recent report, which means that they don't know that they have the most recent data, so sometimes questions that your office will get or news reports or otherwise will rely on older information, and this is a problem.

You also don't know whether you actually have an authentic report, since the Congress itself published some of them, but many of them, since there is no sort of central place for them, you don't

know if someone has tampered with it. You don't know if there is something that is different.

And so it is important to have, sort of, access to these things generally. And, sort of, this public mission is something that Congress has embraced, that this committee has embraced. Josh talked a little bit about the Bulk Data Task Force, that you guys are making available all the bill summaries and bill text; you are making available roll call votes on the floor; this, of course, is being livestreamed. There is a lot of information about the legislative process that is made available to the public. The Law Library of Congress publishes CRS-like reports, and, of course, you can get GAO and CBO reports. So this is not a new thing for this body. We are asking simply that it be a placed in the context of CRS reports.

And I should just say, you know, maybe parenthetically, that the House itself, as part of its 114th and 115th rules package, has embraced the idea of expanding public access to legislative data, access to this type of information as data; that the Senate has had a policy since 1998 of encouraging Members and committees to release the reports online, so this is not exactly new.

And there was an effort in the late 1990s that was only discontinued, I think, last year to make a service available to Member offices where they could put the reports on their sites, as well, that the Appropriations Committee had supported, but since no Members actually knew that it existed, eventually I think it was sort of discontinued.

You know, there are issues that have often raised over time about public access to the reports. The testimony goes into all the different questions that have been raised. I am not going to rehash them here unless folks want to go into it. But I should say that there is bipartisan legislation from Lance and Quigley and Senators McCain and Leahy that address all these concerns.

The final point that I want to make is about cost. So my organization is one of many that republishes the reports. As of today, we had 8,671 CRS reports on our website. It cost us $4,000 to build the website and to make it available. And we have made our code available online, so anybody else can do it at basically no cost. So when we are talking about the expense of doing this, it is not particularly hard.

And we are not just republishing them; we are redacting the names, the email addresses, and the phone numbers from all the staff, from all the reports. We are adding disclaimer language around copyright. We are indicating and describing that the reports are intended for Congress and that, as a product for Congress, are geared towards that audience. And, we continue to update as we receive the reports from congressional offices.

So, with that, I am happy to really talk about any of these matters or questions that folks might have. I want to say both to the chair and ranking member, we have had great meetings with your offices. Your staff have been very kind to take time to talk with us about all these things, so thank you.

[The prepared statement follows:]

Daniel Schuman, Policy Director, Demand Progress
Testimony Before The
Legislative Branch Subcommittee
Committee on Appropriations
U.S. House of Representatives
May 3, 2017

Dear Chairman Yoder, Ranking Member Ryan, and Members of the Committee:

On behalf of a coalition of organizations and individuals, thank you for the opportunity to submit testimony in support of expanded public access to Congressional Research Service (CRS) reports. Longstanding congressional policy allows Members and committees to use their websites to disseminate CRS products to the public, although CRS itself may not engage in direct public dissemination. This results in a disheartening inequity: insiders with Capitol Hill connections can easily obtain CRS reports from any of the 20,000 congressional staffers and well-resourced groups can pay for access from subscription services. However, members of the public can access only a small subset of CRS reports that are intermittently posted on an assortment of not-for-profit websites. Now is the time for a systematic solution that provides timely, comprehensive free public access to and preservation of non-confidential reports while protecting confidential communications between CRS and Members and committees of Congress.

CRS reports—not to be confused with confidential CRS memoranda and other products—play a critical role in our legislative process by informing lawmakers and staff about the important issues of the day. The public should have the same access to information. In 2015 CRS completed over 1,200 new reports (including other general-distribution products) and updated over 2,400 existing products. (CRS also produced more than 3,100 confidential memoranda.)

Our interest in free public access to non-confidential CRS reports illustrates the esteem in which the agency is held. CRS reports are regularly requested by members of the public and are frequently cited by the courts and the media. For example, over the last decade CRS reports were cited in 190 federal court opinions, including 64 at the appellate level. Over the same time period, CRS reports were cited 67 times in *The Washington Post* and 45 times *The New York Times*. CRS reports often are published in the record of legislative proceedings.

Taxpayers provide more than $100 million annually in support of CRS, and yet members of the public often must look to private companies for consistent access to CRS reports. Some citizens are priced out of these services, resulting in inequitable access to information about government activity that is produced at public expense.

In fact, while CRS generates a list of all the reports it has issued over the previous year, it silently redacts that information from the public-facing version of its annual report. This makes it difficult for the public to even know the scope of CRS products they could obtain from Congress. A Google search returned over 27,000 reports including 4,260 hosted on .gov domains, but there is no way to know if those documents are up to date, what might be missing,

or when they might disappear from view. We think it critical that in circumstances when the public has access to a CRS report, it knows whether it is the most recent, up-to-date version.

Comprehensive free public access to non-confidential CRS reports would place the reports in line with publications by other legislative support agencies in the United States and around the globe. The Government Accountability Office, the Congressional Budget Office, the Law Library of Congress, and the 85% of G-20 countries whose parliaments have subject matter experts routinely publish reports to the public. In addition, former CRS analysts with more than 500 years of experience have signed a letter calling for public access to the reports.

We hasten to emphasize that we are *not* calling for public access to CRS products that should be kept confidential or are distributed only to a small network on Capitol Hill. Memoranda produced at the request of a Member or committee and provided to an office in direct response to a request should remain confidential unless the office itself chooses to release the report. By comparison, we believe no such protection should attach to reports typically published on CRS's internal website or otherwise generally disseminated.

We value the work of CRS and in no way wish to impede its ability to serve Congress. CRS reports already undergo multiple levels of administrative review to ensure they are accurate, non-partisan, balanced, and well-written. Authors of every CRS product are aware of the likelihood that reports will become publicly available.

We do not make a specific recommendation on who should comprehensively publish non-confidential CRS reports online, although the approach outlined in the bipartisan, bicameral legislation known as the *Equal Access to Congressional Research Service Reports Act of 2016*, H.R. 4702 (114th) and S. 2639 (114th) is a reasonable. The Clerk of the House, the Secretary of the Senate, the Government Publishing Office (GPO), the Library of Congress and libraries in the Federal Depository Library Program (FDLP) are all reasonable places for the public to gain access to these documents. Space constraints prevent us from responding in this document to concerns occasionally raised about public access to CRS reports, so for more information please go to the document identified in the footnote for our evaluation of those concerns.[1]

We ask only that all non-confidential reports be published as they are released, updated, or withdrawn; that they be published in their full, final form; that they are freely downloadable individually and in bulk; and that they be accompanied by an index or metadata that includes the report ID, the date issued/updated, the report name, a hyperlink to the report, and the division that produced the report.

Thank you again for the opportunity to testimony. If you have further questions, please do not hesitate to contact me at daniel@demandprogress.org or 202-792-4550.

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[1] See Nov. 12, 2015 letter in support of expanded public access to CRS reports, available at https://s3.amazonaws.com/demandprogress/letters/2015-11-12_Letter_Calling_for_Public_Access_to_CRS_Reports.pdf and https://goo.gl/sLa37S.

Sincerely yours,

American Association of Law Libraries
American Civil Liberties Union
American Commitment
American Society of News Editors
Americans For Tax Reform
Association of Alternative Newsmedia
Association of Research Libraries
Campaign Finance Institute
Cause of Action
Center for Data Innovation
Center for Democracy & Technology
Center for Responsive Politics
Center for Science and Democracy at the Union of Concerned Scientists
Citizens for Responsibility and Ethics in Washington (CREW)
Common Cause
Council for Citizens Against Government Waste
Data Coalition
Defending Rights & Dissent
Demand Progress
Free Government Information
FreedomWorks
Government Accountability Project
GovTrack.us
LegiStorm
Minnesota Coalition On Government Information
National Coalition for History
National Security Archive
National Security Counselors
National Taxpayers Union
New America's Open Technology Institute
OpenTheGovernment
Project On Government Oversight
Public Citizen
Quorum
R Street Institute
Reporters Committee for Freedom of the Press
Southern Oregon University Hannon Library
Sunlight Foundation
Taxpayers Protection Alliance
TechFreedom
The FOIA Project (foiaproject.org)
Transactional Records Access Clearinghouse (TRAC) at Syracuse University

Amy Frazier (Middlebury College Libraries)*
Andrew Lopez (Shain Library, Connecticut College)*
Bert Chapman (Purdue University Libraries)*
Brenda Ellis (Middlebury College)*
Bryan Carson (Middlebury College Library)*
Carrie Macfarlane (Middlebury College Libraries)*
Claire King (Kansas Supreme Court Law Library)*
Dr. William D. Jackson (CRS, retired.)*
Francis Buckley (Former Superintendent of Documents, US Government Printing Office)*
Helen Burke (Minnesota Coalition on Government Information)*
Jada A. Aitchison (UALR Law Library, Little Rock, AR)*
Lois Aleta Fundis (Reference and Government Documents Librarian, Mary H. Weir Public Library, Weirton, WV)*
Melissa Serfass (University of Arkansas at Little Rock William H. Bowen School of Law Library)*
Michael Malbin (University at Albany, SUNY)*

Patrick Wallace (Middlebury College)*
Richard Rowberg (National Academies of Science, Engineering, and Medicine)*
Robert Sippel (Evans Library, Florida Institute of Technology)*
Ryan Clement (Middlebury College)*
Shari Laster (University of California, Santa Barbara)*
Stephen Hayes (University of Notre Dame - Hesburgh Libraries' Mahaffey Business library)*
Susan Bucks (Monmouth University)*
Terry Simpkins (Middlebury College)*
Wendy Swanberg (University of Wisconsin-Madison; Bickford Organics)*

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Jennifer Pesetsky
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Ronald Russ
Karen Russ
Christine Scott
Karin Shank
Ellen Simmons
Maryellen Trautman
Barbara Wagner

Daniel Schuman Biography

Daniel Schuman is policy director at Demand Progress, and leads our efforts on issues that concern governmental transparency/accountability/reform, civil liberties/national security, and promoting an open internet.

Daniel co-founded the Congressional Data Coalition, which brings together organizations from across the political spectrum to advocate for a tech-savvy Congress. He directs the Advisory Committee on Transparency, which supports the work of the Congressional Transparency Caucus, and is a fellow at CodeX, the Stanford Center for Legal Informatics. Daniel new website, EveryCRSReport, recently won a 'le hackie' award from D.C. Legal Hackers.

In 2016 Daniel was named to the FastCase 50 and in 2013 Daniel was named among the 'top 25 most influential people under 40 in gov and tech' by FedScoop. He is a nationally recognized expert on federal transparency, accountability, and capacity, and has testified before Congress and appeared on NPR, C-SPAN, and other news outlets.

Daniel previously worked as policy director at CREW; policy counsel at the Sunlight Foundation; and as a legislative attorney with the Congressional Research Service. Daniel graduated *cum laude* from Emory University School of Law.

Witness Disclosure Form

Clause 2(g) of rule XI of the Rules of the House of Representatives requires non-governmental witnesses to disclose to the Committee the following information. A non-governmental witness is any witness appearing on behalf of himself/herself or on behalf of an organization other than a federal agency, or a state, local or tribal government.

Your Name, Business Address, and Telephone Number:

Daniel Schuman, Demand Progress, 30 Richie Ave., Silver Spring, MD. 202-742-4550.

1. Are you appearing on behalf of yourself or a non-governmental organization? Please list organization(s) you are representing.

   I am appearing on behalf of Demand Progress and a coalition of civil society organizations.

2. Have you or any organization you are representing received any Federal grants or contracts (including any subgrants or subcontracts) since October 1, 2012 related to the agencies or programs funded by the Subcommittee?

   Yes (No)

3. Have you or any organization you are representing received any contracts or payments originating with a foreign government since October 1, 2012 related to the agencies or programs funded by the Subcommittee?

   Yes (No)

4. If your response to question #2 and/or #3 is "Yes", please list the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof), and/or the amount and country of origin of any payment or contract originating with a foreign government. Please also indicate whether the recipient was you or the organization(s) you are representing.

Signature: *Daniel Schuman* Date: *April 25, 2017*

Mr. YODER. Mr. Kosar.

Mr. KOSAR. Thank you. And bless you for doing this open hearing. I know you guys are extremely busy, so to take the time is really great.

Thank you for permitting me to testify today. My name is Kevin Kosar. I am the Vice President of Policy at the R Street Institute, a free-market think tank here in Washington, D.C.

I also co-direct the Legislative Branch Capacity Working Group, a bipartisan gathering of experts and congressional staff who meet monthly on Capitol Hill to discuss ways to reform Congress to meet the demands of the 21st century. Our aim, as we like to say, is to make Congress great again.

Mr. RYAN. Are we not already great? I mean, what is the problem?

Mr. KOSAR. Well, I think so, but there is this public opinion problem.

Mr. RYAN. I have seen those. I have seen those.

Mr. KOSAR. So I am here today to encourage the committee to make public access to CRS reports more equitable. In short, lobbyists and others within the Beltway can get copies of CRS reports much more easily than the average member of the public. This is not fair, as it is the public whose tax dollars support CRS.

So, in my limited time, I am going to make two points which I didn't make in my written testimony. I figured I wouldn't want to be redundant.

First, no harm can come of making the reports more equitably available to the public.

I spent more than a decade working at CRS as an analyst doing nonpartisan research for Congress and as an acting research manager overseeing the work of 10 of our analysts. I love the agency, as do the other former and retired CRS employees who signed on to the letter. We have 570 years of collective experience at the agency. Some of those folks started back in the early 1970s. I only left in 2014. We are all convinced that this is the right thing to do and that no harm will come of it.

And the second point I would like to make is that Congress has always made CRS reports available to the public, but it has been in an ad hoc way, and it has become an increasingly disorganized way.

For example, I have a copy of a 1979 CRS annual report which lists dozens of CRS documents that were published by Congress as public documents in the form of hearings—they were included in the hearings—as committee prints introduced into the congressional record. And when those are printed as those documents, as you all know, they go out all over America, to the Federal depository libraries and elsewhere. So Congress has been doing this for decades. It is not as if CRS reports have been secret.

When the internet arrived roughly 20 years ago and hit Capitol Hill, we still had Congress releasing even more CRS reports to the public. Committees, individual Members, various offices within the two chambers put the reports online.

Congressional staff frequently give them out to interest groups, constituents, lobbyists, people who ask for them, who know to ask for them, which explains why, if you go online, you will find thou-

sands upon thousands of CRS reports scattered all over the place, some on government websites, some on private websites. They are everywhere.

So, to conclude, what I and other former CRS employees are advocating is that Congress continue to publish the reports but to do so more consistently. By my light, it makes sense to have, say, GPO do it, since its job is to make authenticated government documents accessible to the public, and GPO has previously published CRS reports, like "The Evolving Congress," which was a very thick volume on Congress that it published in late 2014, and over the decades it has published CRS reports in the form of committee prints and the documents I previously mentioned.

Nobody here is advocating that CRS's mission or fundamental nature be changed in any way, shape, or form. Nobody is asking CRS even to have to really lift a finger. All we are saying is that, Congress, you have been publishing the reports; why not publish all of them, and to do so in one central place and on a consistent basis? And we think it would be a great service to the public.

And, with that, thank you.

[The prepared statement follows:]

Kevin Kosar, Vice President for Policy, the R Street Institute
Testimony Before The
Legislative Branch Subcommittee
Committee on Appropriations
U.S. House of Representatives
May 3, 2017

Dear Chairman Yoder, Ranking Member Ryan, and Members of the Committee:

On behalf of 25 former employees of the Congressional Research Service (CRS) with a collective 570 years of service with the agency, thank you for the opportunity to testify today. We are in strong support of timely, comprehensive free public access to CRS reports. In doing so, we distinguish between CRS reports, which are non-confidential, and other CRS products, such as memoranda, which are confidential.

CRS plays a vital role in our legislative process by informing lawmakers and staff about important policy issues. To that end, nothing should impair CRS's ability to provide confidential support to members of Congress, such as through briefings and confidential memoranda. Nor should Congress take any steps to weaken the Constitutionally-protected status of CRS's work product. In contrast, CRS reports are widely available on Capitol Hill to staff and lobbyists alike, are released with no expectation of confidentiality, and could be of immense value to the general public.

Longstanding congressional policy allows Members and committees to distribute CRS products to the public, which they do in a variety of ways. In addition, CRS provides reports upon request to the judicial branch, to journalists, and to the executive branch, which often publishes them on agency websites. Insiders with relationships to congressional staff can easily obtain the reports, and well-resourced groups pay for access from third-party subscription services. Members of the public, however, can freely access only a subset of CRS reports, usually via third parties.

It is difficult for the public to know the scope of CRS products they could obtain from Congress. A Google search returned over 27,000 products including 4,260 hosted on .gov domains, but there is no way to know if those documents are up to date, whether the search is comprehensive, or when the documents might disappear from view.

We believe Congress should provide a central online source for timely public access to CRS reports. That would place all members of the public on an equal footing to one another with respect to access. It would resolve concerns around public and congressional use of the most up-to-date version. Additionally, it would ensure the public can verify it is using an authentic version. And it would diminish requests to analysts to provide a copy of the most recent report. Other legislative support agencies, i.e., the Congressional Budget Office and the Government Accountability Office, publish non-confidential reports on their websites as a matter of course. Doing so does not appear to harm their ability to perform their mission for Congress.

Thank you for the opportunity to share our thoughts on implementing full public access to

non-confidential CRS reports. If you wish to discuss this further, please contact me at kkosar@rstreet.org or (202) 525-5717. Thank you for your consideration of this matter.

With best regards,

Henry Cohen
George Costello
Heather Durkin
Gregg Esenwein
Louis Fisher
Peggy Garvin
Jeff Griffith
Pamela Hairston
Glennon J. Harrison
John Haskell
Kevin Holland
Thomas Hungerford
W. Jackson
Nancy Jones
Kevin Kosar
Jon Medalia
Jim Nichol
Elizabeth Palmer
Harold Relyea
Mort Rosenberg
Dick Rowberg
Daniel Schuman
Christine Scott
Sherry Shapiro
Nye Stevens

Kevin Kosar Biography

Kevin Kosar is vice president of policy for the R Street Institute, where he oversees all of the institute's research across its commercial freedom, criminal justice, energy and environment, financial markets, governance, income mobility, innovation policy, insurance and public health policy programs.

Kevin joined R Street in October 2014 from the Congressional Research Service, where he served as analyst and acting research manager for 11 years. Earlier in his career, he was lecturer in policy and public administration at New York University and Metropolitan College of New York.

Kevin is the author of three books, including *Failing Grades: The Federal Politics of Education* (2005). He has been a Presidential Management Fellow, and as written for major media including the *Washington Post* and *New York Times*.

Kevin received his doctorate in politics from New York University and his bachelor's from Ohio State University. He lives in Washington.

Witness Disclosure Form

Clause 2(g) of rule XI of the Rules of the House of Representatives requires non-governmental witnesses to disclose to the Committee the following information. A non-governmental witness is any witness appearing on behalf of himself/herself or on behalf of an organization other than a federal agency, or a state, local or tribal government.

Your Name, Business Address, and Telephone Number:
Kevin Kosar
1050 17th St NW #1150
Wash DC 20036 202.525.5715

1. Are you appearing on behalf of yourself or a non-governmental organization? Please list organization(s) you are representing.

R Street Institute

2. Have you or any organization you are representing received any Federal grants or contracts (including any subgrants or subcontracts) since October 1, 2012 related to the agencies or programs funded by the Subcommittee?

Yes (No)

3. Have you or any organization you are representing received any contracts or payments originating with a foreign government since October 1, 2012 related to the agencies or programs funded by the Subcommittee?

Yes (No)

4. If your response to question #2 and/or #3 is "Yes", please list the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof), and/or the amount and country of origin of any payment or contract originating with a foreign government. Please also indicate whether the recipient was you or the organization(s) you are representing.

Signature: Kevin R Kosar
Kevin R Kosar (Apr 27, 2017)

Date: Apr 27, 2017

Mr. YODER. Gentlemen, thank you for your testimony this morning.

I think, you know, this committee remains committed to finding ways to open up transparency and make the work of Congress more accessible to the voters and constituents that want to know what is happening here. And as I think Mr. Schuman mentioned, or maybe it was Mr. Tauberer, that they want to know the votes, the debate, they want to know what is happening, because they want to be informed. They also want to be able to hold their elected officials accountable.

So I think the testimony you are bringing today is important to me. I know it is important to Mr. Ryan, as well, and the whole committee. So we thank you for being here.

I will deal with the CRS issue maybe with my first question for the folks. And, Josh, if you have thoughts on it, you can jump in as well. This issue regarding CRS reports has been kicked around for a number of years. I think the committee has voted on it. Certainly, you mentioned, there is legislation to do this. And I think we have heard a couple of different objections, and maybe you could address those objections, you know, straight on.

I think one of them has been that the widespread dissemination of these reports might increase pressure on CRS as groups or lobbyists try to influence the research and analysis that comes out. So knowing the impact of this research and knowing that a report is coming out, it could, some have argued, lead to putting more pressure on the CRS workers themselves, might influence their work.

And I guess as a followup to that question, would you see a need for the CRS to establish a public inquiries office to manage an increase in outside questions, opinions, and influences? Or do you see this issue really as something that is a nonissue, that wouldn't actually happen?

Mr. KOSAR. Well, as we all know, the most politically interested and active individuals are in this town, for the most part. They are the ones who come and lobby, and they advocate, et cetera, et cetera. So they have had access to CRS reports for years, and I can tell you, my experience, they have no effect on the research that CRS does.

I should also mention that it was about 5, 6 years ago that WikiLeaks dumped something like 6,700 CRS reports. It was a big to-do. The Washington Post ran a story. You would think that this dump would all of a sudden have created some sort of public pressures on CRS. I was there. Nothing happened. I was worried. Other people who worked there were kind of like, "Wow, what is going to happen? Are people going to start calling us up?" No. It didn't happen.

So I have just seen no empirical basis for this anxiety. Especially if we redact the information so that people are not contacting analysts directly, that would even further diminish. But, like I said, there are tens of thousands of CRS reports out there already with analyst contact information. My old phone number is on reports that are floating around out there from 5 years ago, and it has just not been a problem.

Mr. SCHUMAN. Yeah, that is right.

I would just add, I mean, the ship has sailed. You can go and buy reports online for 20 bucks a pop from services that have been making them available for 15 or 20 years. So if there were going to be people who are most interested in the contents of the reports going to be the Members of Congress on either side of the issue, who, of course, have great incentive to pressure CRS if they had concerns, and it is going to be the lobbyists. And those folks are already the ones who are in the mix. So broader public access is not going to change those circumstances.

And to the extent that there is a concern that people are going to start emailing the folks at CRS, that would already have been happening, but we can take off the email addresses and the phone numbers. We have demonstrated that it is really fairly easy to do that, and that would solve the problem.

The second question had to do with a public inquiries office. So there are, sort of, two pieces here. One is that it is not entirely accurate to say that CRS doesn't make reports available to folks outside of CRS. If you are a journalist and you know the report number, current CRS policy is that they will provide the report to you. If you are in the executive branch or in the judiciary, they often will provide it to you if you ask for it. So, you know, they are already responding to some sort of level of inquiries.

But that being said, there should not be a public inquiries office. All the reports should have language on it that says that the reports are prepared for Congress, that they are done you could take the statutory language and sort of stick it in there, and that would be sufficient. I don't think that if people have questions about CRS, they should talk to their Members, which is what they do now.

Mr. KOSAR. I just wanted to add, it would make CRS's job a lot easier dealing with the reporters who come, the interest groups who sometimes ring up when they see a report, and members of the public who occasionally find the agency, it would be so much easier if all you had to do is respond, "All reports that CRS has published have been made available by Congress through gpo.gov/crs," or something like that. It would make their lives a lot easier.

Instead, right now, you have this kind of fish-not-fowl sort of situation where, you know, I am sitting in my office at CRS years ago and somebody would call up from the media and say, "I have a 2011 report you wrote about the Postal Service. Is there a more recent version? I am going to write a story about it." "Uh, yes, there is a more recent version, but I can't tell you."

You know, people in the academic community who reach out to CRS, experts, they can't get copies of the report, not without an individual having to go through this baroque process of responding, going through management and calculating the odds of whether this could have negative consequences and if this is in the interest of the Congress to release it.

It would make life so much easier if CRS could probably staff down their public affairs office to one person whose job would be to say, "Go to gpo.gov/crs." That would be it.

Mr. YODER. Okay.

Mr. Ryan.

Mr. RYAN. Well, their argument is they would have to beef up their public relations department in order to handle the incoming calls on this issue. And you are saying, no, go to the website.

Mr. KOSAR. Uh-huh. "It is a publicly facing website. All reports that Congress has permitted to be available are there." Hang up phone.

Mr. RYAN. What is your response with regard to the protections that they would have through speech and debate? Maybe their research, would that be—in your outline, would that be protected? Would they be protected?

Mr. SCHUMAN. So, a couple things. One is that reports that are being released, the Senate has this longstanding policy of encouraging Members and committees to release reports to the public. So, you know, if there are concerns about public availability of CRS reports and it is already a longstanding policy to release them, making them available on a general basis wouldn't change the circumstances.

And what we would advocate is that you would go and have GPO publish them all. So, instead of having most of them, you would have all of them. It is not going to change the level of speech or debate protection, because speech or debate is really about my advice to you. I am an attorney in the American law division; you call me asking for legal advice, confidential advice. I don't talk about it to anybody. Right? You can release it if you so choose. I do not. General distribution reports that are available to the thousands of people on Capitol Hill, that are routinely released by Member offices to the public, it is a different kind of issue.

And when Stan Brand, who is the former Counsel for the House of Representatives, looked at this in 1998 when we first started debating this issue a long time ago, he thought that the arguments around speech or debate were not strong and that, to the extent that there are concerns, which he didn't think were valid, but to the extent that there were concerns, you could simply add disclaimer language saying that, just because we are releasing these reports, it doesn't mean that we are waiving Speech or Debate Clause protection. You can put that into the law.

So, to the extent that that is an issue, you can legislatively solve it in that kind of way. That goes way beyond what you would need to do, but if there was that concern, that is an easy way of addressing it.

Mr. RYAN. You talked about the WikiLeaks dump. In the dump, were the names of the Members of Congress who requested the reports in there, or was it just the name of the analysts and researchers?

Mr. KOSAR. The only thing that appeared was the name of the analyst who had written the report.

And I should note that the vast majority of reports that get written by CRS are done at the analysts' instigation. When Members request written research on a specific topic, they typically request that it be delivered in the form of a confidential memo—that way, they can consume it and decide what to do with the information—or in the form of an email, or if they want it in person, it would be delivered that way.

So there is no way—I mean, all the CRS reports that are floating around out there, there is no indication in any of them as to whether they were asked for by Congress or any particular Member. There is no identifiable information whatsoever in them.

Mr. RYAN. Go ahead.

Mr. SCHUMAN. I was just going to say, there is a nomenclature problem. So "CRS reports," on one hand, could refer to all of CRS's products, including the confidential stuff, but that is not what we are talking about here. We are only talking about the reports that are generally distributed to all congressional offices at once.

And, as Kevin said, like, the vast majority of these reports are done at the initiation of the employee, they are not done in response to a request. So there is going to be no information about who requested it, because most of the time, nobody has requested it in the first place.

So the reports are the general distribution ones. The memoranda are the ones that are just for, like, a particular office. And it is the memoranda that are confidential.

CRS usually talks about them all as products, which is even more confusing. But the easiest way to think of it is, like, the reports are the general distribution ones and the memoranda are the ones that are confidential advice, if that helps.

Mr. KOSAR. I should add that the reports are only a very, very small percentage of the total written products and research load that CRS does. So, again, this is not fundamentally changing the nature or affecting the nature of the agency in any way, shape, or form. Certainly, nobody would advocate making available confidential memoranda or anything like that. It is just the reports which are already out there.

Mr. RYAN. Okay. That answers my questions. Our charge here is to, in some ways, protect Members who are kicking around ideas, learning. And we don't want stuff to show up on a commercial or something that I was thinking about, not that I was necessarily advocating, and to in any way inhibit that process of learning and educating and trying to see both sides of the issue. We need more than that. So I am glad you have said what you said about——

Mr. SCHUMAN. Yeah. And, I mean, I could speak for 42 organizations that signed on, and Kevin can talk to the 25, we would oppose—anything that would go after the confidential advice that helps you guys think through this process, we would actively oppose it. We would be banging down your door, saying, this is a bad idea. We would not in any way want that information to be available, except in circumstances where the Member offices themselves choose to release it, which they sometimes do. But that should be your option. It shouldn't be anybody else's.

Mr. RYAN. I appreciate that.

I yield back.

Mr. YODER. I think, to Mr. Ryan's point, I think there have just been concerns raised it would have a chilling effect, and the Members would quit requesting research because they might get targeted for the research they requested. So I appreciate Tim's questions on that.

Mr. MOOLENAAR. I am good.

Mr. YODER. Mr. Moolenaar is good.

Gentlemen, do you have anything else to add?

Mr. SCHUMAN. Just thank you.

Mr. YODER. Joshua, we didn't get a chance to ask you a question. Let me ask you, what is your top priority? If there is one thing we would do this Congress on the things that you outlined, what should we focus on?

Mr. TAUBERER. The next thing is floor amendments. There is very little good data on what amendments are being considered, what the text of those amendments are. So if you go to congress.gov, for instance, there is not very good information there, and it is hard for me to get that onto my website.

Mr. YODER. Okay.

Gentlemen, thank you for your testimony today. We really appreciate it.

Mr. SCHUMAN. Thank you very much.

Mr. YODER. We look forward to working with you on a number of these issues.

Mr. RYAN. Thanks.

LIBRARY OF CONGRESS, COPYRIGHT OFFICE

WITNESS

KEITH KUPFERSCHMID, CHIEF EXECUTIVE OFFICER, COPYRIGHT ALLIANCE

Mr. YODER. Our final witness this morning is Keith Kupferschmid, the CEO of Copyright Alliance, who is going to testify this morning regarding the Copyright Office, the modernization of that.

Sir, you have 5 minutes to testify before the committee, and then we will have some questions for you. So welcome, and thank you.

Mr. KUPFERSCHMID. Okay. Thank you.

Chairman Yoder, Ranking Member Ryan, Congressman Moolenaar, thank you for the opportunity to testify before you here today to discuss the funding and IT systems of the U.S. Copyright Office.

I am Keith Kupferschmid. I am the CEO of the Copyright Alliance. The Copyright Alliance is the unified voice of the copyright community. We represent the copyright interests of over 1.8 million individual creators as well as over 13,000 organizations across a spectrum of copyright disciplines.

The individual creators and organizations that we represent rely on copyright law to protect their creativity, their efforts, and their investments in the creation and distribution of new copyrighted works for the public to enjoy.

Core copyright industries add $1.2 trillion to the U.S. economy and employ 5.5 million American workers. The Copyright Office plays a pivotal role in that copyright ecosystem by registering creators' works and recording documents pertaining to those works.

It is essential that the Copyright Office be able to rapidly adapt to ensure that it is able to offer the tools and resources that all the users of the office's service demand and that Congress have a direct line of communication with the Copyright Office so the office is an-

swerable immediately and directly to Members and their staff. Unfortunately, neither of those exist today.

Many of the challenges the Copyright Office faces can be traced back to the fact that the Copyright Office is within and under the direction and supervision of the Library of Congress. As a department of the Library, the office is obligated to use the Library's IT systems. The office does not have its own IT infrastructure. It also lacks authority over its own budget and staffing because of its current structure.

For many years, the Copyright Office has sought to modernize but has been unable to do so because its priorities are subordinate to those of the Library's. If the Copyright Office is to successfully modernize, it is essential that it be given autonomy over its budget, over its staff, and over its IT to carry out its mission going forward.

Greater autonomy over IT, budget, and staffing recognizes the difference between the mission and infrastructure of the Library and the Copyright Office while retaining the historical connection between the Library and the office with regard to deposit of registered works.

Greater autonomy will enable the Copyright Office to implement a more modern, more robust copyright registration and recordation system that will facilitate additional business investment and entrepreneurship, leading to long-term economic growth and cultural benefits.

In 2015, the House Committee on Appropriations directed the Register of Copyrights to develop a detailed plan on necessary IT upgrades, with a cost estimate, that are required for a 21st-century copyright organization. Last February, the Copyright Office met this obligation by providing the committee with a provisional IT plan, which provided for a lean, nimble, results-driven, and future-focused cloud-based system that could be implemented within 5 years at a projected cost of $165 million.

We thank the appropriators for their support of the Copyright Office efforts to implement its own IT plan. And we also appreciate the language in the draft explanatory language accompanying the omnibus spending bill that states with regard to copyright-specific IT systems and larger copyright issues, "It is expected that the Library continue to defer to the expertise of the Register of Copyrights."

We also strongly support funding of the office through increased appropriations. Appropriations are an important and proper source for funding for modernization since the public is the ultimate beneficiary of copyright information retained and disseminated by the office and, by extension, of a modernized Copyright Office.

Raising fees should be the last option. Since copyright registration and recordation are voluntary, additional costs or barriers will serve as a disincentive to participate in the system. To the extent any fee increase is warranted as a means of increasing the office's budget, that increase should be a shared responsibility that is borne by all users of the Copyright Office, be in conjunction with improvement in existing services and the addition of new services, and be invested directly into the copyright system infrastructure.

We also recommend that the Copyright Office be given the necessary authority to build a reserve account from the user fees it

collects to help the office deal with government shutdowns, other emergencies, and fluctuations in incoming fee receipts.

We also support the Copyright Office having access to its funds over multiple years through a multiyear budget cycle or a revolving fund.

And I want to thank the subcommittee for its interest and support in modernizing the Copyright Office, and I would be happy to answer any questions.

[The prepared statement follows:]

copyright alliance

Statement of

Keith Kupferschmid
Chief Executive Officer
Copyright Alliance

before the

HOUSE COMMITTEE ON APPROPRIATIONS
Subcommittee on Legislative Branch

May 3, 2017

The Copyright Alliance, on behalf of our membership, submits this statement for the record concerning the Subcommittee's May 3, 2017, open hearing. A modern and efficient Copyright Office is critical to a 21st century copyright system. We welcome the Subcommittee's attention to ensuring the Copyright Office has the necessary operational autonomy over its budget, staffing, and information technology (IT) to meet the challenges of the future, and we submit these comments to help the Subcommittee in this effort.

The Copyright Alliance is the unified voice of the copyright community, representing the copyright interests of over 1.8 million individual creators and over 13,000 organizations in the United States, across the spectrum of copyright disciplines. We represent the interests of authors, photographers, performers, artists, software developers, musicians, journalists, directors, songwriters, game designers, and many other individual creators. The Copyright Alliance also represents the interests of book publishers, motion picture studios, software companies, music publishers, sound recording companies, sports leagues, broadcasters, guilds, unions, newspaper and magazine publishers, and many more organizations.

The Copyright Alliance is dedicated to advocating policies that promote and preserve the value of copyright and to protecting the rights of creators and innovators. The individual creators and organizations that we represent rely on copyright law to protect their creativity, efforts, and investments in the creation and distribution of new copyrighted works for the public to enjoy. Earlier this year, demonstrating the importance of

copyright, over 72,000 individual creators and supporters of copyright signed a letter to political candidates affirming the complementary relationship between a strong copyright system, free expression, creativity, innovation, and technology.

Within the copyright ecosystem, the Copyright Office plays a pivotal role in the registration of creators' works and the recordation of documents pertaining to those works. The ability of our Nation's independent creators and the businesses that support their work to promptly register and record copyright interests with the Office, and of the public to obtain copyright information that enables them to license copyrighted works, creates new industries and spurs the economy, which, in turn, advances our global competitiveness and technological leadership.

In view of the ongoing and rapid changes in the information, entertainment, and technology sectors, the Copyright Office has never been more important than it is today in ensuring that copyright owners have access to critical services that support their endeavors, including the creation and dissemination of works to the public, and the development of innovative new business models by which to distribute such works.

Given the global and dynamic characteristics of the copyright ecosystem, the Copyright Office must be able to rapidly adapt to ensure it is able to offer the tools and resources that all users of the Office's service demand, and Congress must have a direct line of communication with the Copyright Office so they are answerable immediately and directly to Members and their staffs. But neither of these exists today.

Unfortunately, the Copyright Office does not currently have the ability to rapidly adapt. Many of the challenges it faces can be traced back to the fact that the Copyright Office is within and under the "direction and supervision" of the Library of Congress. As a department of the Library, the Office is obligated to use the Library's Information Technology (IT) systems. The Copyright Office does not have its own IT infrastructure; it uses the network, servers, telecommunications, security and all other IT operations controlled and managed by the Library of Congress. It also lacks authority over its own budget and staffing because of its current structure. For many years, the Copyright Office has sought to modernize, including in a recent strategic plan, but has been unable to do so because its priorities are subordinated to those of the Library's. If the Copyright Office is to successfully modernize, it is essential that the *Copyright Office be given autonomy over its own budget, staff, and information technology (IT) to carry out its mission going forward.*

Greater autonomy over IT, budget, and staffing recognizes the difference between the mission and infrastructure of the Library and the Copyright Office, while retaining the historical connection between the Library and the Office with regard to deposits of registered works.[1]

[1] Indeed, we support the Library's continued collection of deposits of copyrighted materials, which benefits both creators and the public.

Copyright Office's IT Plan

Modernizing the U.S. Copyright Office IT system and giving the Copyright Office control over its IT system is essential to an effective 21st Century Copyright Office. In 2015, the House Committee on Appropriations, as part of the Legislative Branch Appropriations Bill of 2016, directed "the Register of Copyrights to report, to the Committee on Appropriation and relevant Authorizing Committees of the House on a detailed plan on necessary IT upgrades, with a cost estimate, that are required for a 21st century copyright organization. In addition to the cost estimate, the Register shall include recommendations on a funding strategy and a time frame for completion of a new IT system that is necessary to better serve the public in the digital age."[2]

The Copyright Office completed a Provisional Information Technology Modernization Plan ("IT Plan") in February 2016 (ahead of schedule), which provided for a "lean, nimble, results-driven, and future-focused" cloud-based system that could be implemented within five years, at a projected cost of $165 million.[3] We urge that appropriators support the Copyright Office in its efforts to implement that Plan as soon as reasonably possible. Many of the technological issues our members face with registration and recordation are acute, so the sooner new or improved systems can be deployed by the Copyright Office, the sooner users of the Office's services—creators, members of the public, and Congress—can reap the benefits of IT modernization.

The Copyright Office should not be forced to use the Library's planned data center as part of its IT, and instead should have the autonomy to determine whether and to what extent the costs, security and reliability of using this data center for its future IT needs match or exceed what can be obtained from other government agencies or private sector providers and choose accordingly. Deference should be given to the Office's expertise and assessment of its own needs to meet its copyright mission. Requiring the Copyright Office to use the Library's not-yet-built data center would remove the flexibility and cost-effectiveness inherent in the Copyright Office's IT plan without resulting in any synergies or savings. It would also, to the extent that funds for the data center come from Copyright Office user fees, result in Copyright Office users subsidizing Library IT.

Copyright Office Funding

Appropriations are an important and proper source of funding for modernization since the public is the ultimate beneficiary of copyright information retained and disseminated by the Office and, by extension, of a modernized Copyright Office. Copyright registration benefits the public by providing it with a searchable database of copyright registration and ownership information, which enables database users to determine authorship and other information about works, contact owners for licensing or other usage, and determine whether works are in the public domain and freely useable.

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[2] H. Rep. No. 114-110 (2015).

[3] U.S. Copyright Office, *Provisional Information Technology Modernization Plan and Cost Analysis* (2016), https://www.copyright.gov/reports/itplan/technology-report.pdf.

Moreover, a modern, robust copyright registration and recordation system will facilitate additional business investment and entrepreneurship along with reducing transaction costs and other marketplace inefficiencies, leading to long-term economic growth and cultural benefits. We urge, however, that any funds appropriated for the IT Plan, or any other aspect of the Copyright Office's funds, are prevented from being diverted to the general Library of Congress budget or to other projects. In particular, we are concerned that under the heading of "shared services," the Library may either direct the Copyright Office to use Library facilities without a cost-benefit analysis, and/or charge the Copyright Office for services historically not factored into the Copyright Office's budget and appropriation. Either of these would amount to a de facto diversion of Copyright Office funds, and we ask the Subcommittee to be on guard for such. We also acknowledge that the IT Plan would require "front-loading" of taxpayer support, but will ultimately result in cost savings and incentivize registration and recordation, thus increasing overall revenues from fees.

We strongly support increased funding of the Office, including improvement to Office services but are concerned that placing the burden of funding on registrants is the wrong approach. Raising fees should be the last option. Since copyright registration and recordation are voluntary, any additional costs or barriers serve as a disincentive to participation in the system. In most instances, any fee increase should not be imposed solely or disproportionately on any one type of user of the Office. However, if a new or improved service is intended solely or primarily for one group of users of the Office, it may be appropriate for those beneficiaries to bear the weight of any fee increase.

To the extent any fee increase is warranted as a means of increasing the Office's budget that increase should be: (1) a shared responsibility that is borne by *all users* of the Copyright Office as well as appropriators; (2) in conjunction with improvement in existing services and the addition of new services; (3) invested directly into the copyright system infrastructure. We also recommend that the Copyright Office be given the necessary authority to develop more flexible fee schedules that can fund its services while not discouraging registrations. The Copyright Office has previously communicated a summary of the public comments on funding strategies for IT modernization to this Subcommittee,[4] and we commend that document to you once again.

With regard specifically to funding for specific Copyright Office projects, we urge that appropriate funding be given specifically to build a searchable registration and recordation database, that this be managed separately from the Library's IT system by the Copyright Office itself with appropriate oversight *provided that this database should only address data the Copyright Office is already required to collect as opposed to the collection of additional data that it does not presently collect.* We agree that it is critical that collection and dissemination of the former should be made easier and more efficient.

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[4] Letter from Register of Copyrights to Chairman, Subcommittee on Legislative Branch, Re: Funding strategy and timeline for implementing February 29, 2016 *Provisional Information Technology Modernization Plan and Cost Analysis* (May 9, 2016), available at https://www.copyright.gov/reports/usco-it-funding-strategy.pdf.

But requiring the collection and dissemination of information beyond what is currently required is not appropriate.

It's important to keep in mind that the Copyright Office's registration system provides public notice of ownership information, akin to a County Recorder. The administration of a comprehensive database for licensing and business transactions is best left to the private sector. At best, the Copyright Office could study the existing copyright licensing landscape and engage stakeholders to identify areas for potential improvement. That said, many copyright holders have extensive metadata attached to their work that would enhance this historical record, and they should be given the option of including that metadata in their registration in a manner that stays with the deposit—so long as the inclusion of metadata remains optional.

Additionally, the Copyright Office should be asked to look at finding ways to collect fees from database users, by, for example, providing high speed, high volume access to its data for a cost. While deference should be given to the Copyright Office to determine the best way to meet its needs, it should not have absolute discretion to change its fees. Congress must maintain some level of oversight of this fee structure.

We support granting the Office the ability to build a reserve account from the user fees it collects to help the Office deal with Government shutdowns, other emergencies, and fluctuations in incoming fee receipts. We also support the Office having access to its funds over multiple years through a multiyear budget cycle (i.e., a revolving fund).

We thank the Subcommittee for its interest in modernizing the U.S. Copyright Office. Please let us know if we can provide any additional information or answer any questions regarding our views in this matter.

Witness Disclosure Form

Clause 2(g) of rule XI of the Rules of the House of Representatives requires non-governmental witnesses to disclose to the Committee the following information. A non-governmental witness is any witness appearing on behalf of himself/herself or on behalf of an organization other than a federal agency, or a state, local or tribal government.

Your Name, Business Address, and Telephone Number:

Keith Kupferschmid, 1331 H Street NW, Suite 701 Washington, D.C. 20005 Phone 202-540-2273

1. Are you appearing on behalf of yourself or a non-governmental organization? Please list organization(s) you are representing.

   The Copyright Alliance

2. Have you or any organization you are representing received any Federal grants or contracts (including any subgrants or subcontracts) since October 1, 2012 related to the agencies or programs funded by the Subcommittee?

   Yes (No)

3. Have you or any organization you are representing received any contracts or payments originating with a foreign government since October 1, 2012 related to the agencies or programs funded by the Subcommittee?

   Yes (No)

4. If your response to question #2 and/or #3 is "Yes", please list the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof), and/or the amount and country of origin of any payment or contract originating with a foreign government. Please also indicate whether the recipient was you or the organization(s) you are representing.

Signature:

Date: 4/28/17

copyright alliance

Keith Kupferschmid
Chief Executive Officer

Before joining the Copyright Alliance, Keith served as the General Counsel and Senior Vice President for Intellectual Property for the Software & Information Industry Association (SIIA). During his 16 years at SIIA, he represented and advised SIIA member software and content companies on intellectual property (IP) policy, legal and enforcement matters.

He has testified before Congress and various federal and state government agencies on IP issues and also supervised SIIA's Anti-Piracy Division, including working with federal and state government officials on civil and criminal piracy cases.

Prior to joining SIIA, Keith worked as an IP attorney at the law firm of Finnegan, Henderson, Farabow, Garrett & Dunner, IP attorney-advisor at the U.S. Patent and Trademark Office (PTO), Director of Intellectual Property at the United States Trade Representative, and Policy Planning Advisor at the U.S. Copyright Office.

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About the Copyright Alliance

The Copyright Alliance is a non-profit, non-partison public interest and educational organization representing artists and creators across the spectrum of copyright disciplines, including more than 40 trade association, campanies and guilds, and 8,000 individual artists and creators. For more information, please visit www.capyrightalliance.org.

###

For media inquiries, contact:
Eileen Bramlet
VP Communicatians
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Mr. YODER. Keith, thanks for your testimony this morning. And I think we share your interest in modernizing the Copyright Office and making it more useful for the creative artists that are in this country that utilize its services. Probably most Americans don't know that it is in the Library of Congress, and I am sure that dates back to long before any of our time.

And, you know, clearly, Congress agrees in terms of the modernization. I think there is a $10 million increase in total budget authority in the 2017 omnibus bill that we are looking at this week. And it increases flexibility using offsetting receipts and prior-year funding for modernization. So, to your point, I think we are headed in the right direction.

I guess my question for you would be, in terms of your members and those who use the Copyright Office, why having a separate entity would allow it to modernize quicker. You might just kind of dive into really the crux of that issue there, you know, having it under the Library of Congress versus having its own entity. Why is that such a significant difference for your members in particular?

Mr. KUPFERSCHMID. I don't know that that is such a significant difference.

Mr. YODER. Okay.

Mr. KUPFERSCHMID. We would like to see the Copyright Office retained within the legislative branch, whether that is as an independent agency or within the Library itself.

Mr. YODER. Okay.

Mr. KUPFERSCHMID. What we ultimately want to see is greater autonomy, right? The Copyright Office needs to have autonomy and authority over its IT systems, over its budget, and over its staffing.

With regard to the IT system in particular, what the Library needs in terms of an IT system is very different than what the Copyright Office would need. The Copyright Office is dealing with things like financial transactions, making sure hard copies of deposits are associated with applications. It needs more robust security, things like that that, frankly, necessarily, aren't in the interests of the Library.

And, therefore, what we are pushing for and what the Copyright Office needs is greater autonomy, especially with regard to IT but also with budget and staffing.

Mr. YODER. And could you describe for the committee how that autonomy, in whatever form it might occur, whether it is an autonomous entity or just more autonomous within the Library of Congress, can you describe how that would change the interactions between those seeking, you know, copyrights, the artists, the folks you represent? What is the practical reality of those autonomous changes?

Mr. KUPFERSCHMID. I mean, so let me give an example, and then I will talk further about your question, because I think my example will bear this out, that modernization isn't just helping the copyright creators and copyright owners, but it also is in the best interests of the public, entrepreneurs, and others, and what have you.

If you look at the Patent and Trademark Office, for instance, they have an office just like the Copyright Office has, where you can record transfers of ownership. So if I have a patent and I transfer ownership in that patent to you, I can record that at the

Patent and Trademark Office. Similarly, if I have a copyright and I want to transfer that ownership in that copyright, I can record that at the Copyright Office as well.

Well, the Patent and Trademark Office, because it has a very good IT system, is able to process about a half-million of those recordations on an annual basis. And they have about 10 to 12 people, I believe it is, running that small office of recordation. The Copyright Office, on the other hand, has about the same amount of people—I think it is about 12 full-time employees—but yet they are only able to process 11,000 of those recordations. And the answer comes down to IT.

Now, what the Patent and Trademark Office is able to do with those recordations, they are able to process them within 24 to 48 hours and have them up online for people to see, the public to see, right? And entrepreneurs would say, hey, I want to license this, and contact the person. The Copyright Office, it takes them about 18 months to process and make it available. That is a long, long lead time, okay?

So this benefits not only the individual creators, but it would be in the best interests of, certainly, small creators but also just the public and anyone who has an interest in copyright and uses the copyright system, I think.

So, in terms of, why that is important, I think you ought to also look at the Copyright Office's interface. There can be vast improvements in the interface to make the process of registration more simplified, more efficient, more effective. And hopefully that will lead to perhaps more registrations. People have shown frustration with the registration system, and the last thing we want to do is put a roadblock or an obstacle in front of creators who want to register a possible work with the Copyright Office. And so I think that is what improvement in the IT system would do.

Mr. YODER. Okay.

Mr. Ryan.

Mr. RYAN. So just so I understand this, so you are sharing the IT with the Library. And there are how many people in the IT department that you——

Mr. KUPFERSCHMID. Yeah, I don't know the answer to that. I know that the Copyright Office is subordinate and must rely on the IT system. I am not sure of this fact, but I do not believe that the Copyright Office has their own IT system. I believe they rely entirely on the Library's IT system.

Mr. RYAN. So we would have to pull out X number of IT workers or add on a number of IT workers to help make this happen, to give you the autonomy that you need.

Mr. KUPFERSCHMID. Yeah, like I said, I would have to look into that, because right now there may be some employees that work with the Library at the Copyright Office. So I would have to look into that and get back to you.

Mr. RYAN. So one of the issues, too, is that there is money that is being saved, right, if you are sharing services.

Mr. KUPFERSCHMID. Yeah.

Mr. RYAN. Is there any way to strike the balance between the current system and giving you the autonomy you need, knowing that we are protecting the taxpayer money, too, here——

Mr. KUPFERSCHMID. Uh-huh.

Mr. RYAN [continuing]. By sharing the services?

Mr. KUPFERSCHMID. I think there absolutely are. I mean, we support shared services. Ultimately, though, this should fall on the Copyright Office, and we should defer to the Copyright Office, this expertise in assessment of where that makes sense, where it makes sense to share services.

Let's say, for instance, in HR, that may make a lot of sense, for it to share an IT system and share services with the Library, but in terms of the actual, sort of, day-to-day activities of the Copyright Office of registration and recordation, it likely doesn't make a lot of sense.

That doesn't also mean that there shouldn't be some level of shared services, but probably not with the Library. Maybe there are other government agencies out there that it makes sense to share those services with.

So we are not opposed to shared services at all. We just think, at the end of the day, that that should be, sort of, the Copyright Office's decision, as to whether that makes sense and, if so, how that makes sense.

And the other thing I would be concerned about if you are talking about shared services with the Library of Congress, that, sort of, the Library not dictate the terms for those shared services and not charge the Copyright Office. Because, at the end of the day, that might be sort of a de facto diversion of fees, right? There might be a budget set out for the Copyright Office, but then these shared services would get diverted. And the Copyright Office has a fiduciary duty to its users, to those creators who pay for registrations and pay for the services of the Copyright Office.

Mr. RYAN. How much are the registration fees?

Mr. KUPFERSCHMID. I know the registration fees take up about two-thirds of the Copyright Office's budget, and so I think that is around $43 million or so. The number is here someplace, but I think it is about $43 million or so. So about two-thirds, maybe a little bit more, of the fees that are generated by the Copyright Office are used for its budget.

And the hope is that, as you modernize the office, they will be able to provide more services and be able to charge fees for those services and be able to—while there will never be—I don't think there will ever be a time where they can be fully fee-funded, certainly the Copyright Office could hopefully maybe generate more money to put back into modernization.

Mr. RYAN. And how would that happen again? By quickly getting things up online?

Mr. KUPFERSCHMID. Yeah. So let me give an example. I will go back to the example I mentioned with the PTO and the recordation system.

The Patent and Trademark Office was able to—they had a fee that they were charging for this recordation. They were able to zero that out. They don't charge people to file their recordations anymore. Well, you could still do that. If you are at the Copyright Office and, like I said, to generate some money, if all of a sudden you have an IT system that works and there is an incentive for people to record those transfers, then that makes sense.

But perhaps a better example would be if you are talking about the ownership database. You know, the Copyright Office has this ownership database where they collect information that is on the registration form today. And that information is very, very difficult to access, not only from a time perspective, a timeline perspective, but the example, if you were to go on to the Copyright Office website and search, for instance, "The Godfather," looking for the Mario Puzo book or perhaps the movie, you would probably flip through about three or four pages before you found it. You would find all these other references. And that comes down to the IT system not being what it should be.

So, at the end of the day, if you are able to improve the IT system, I think what you will be able to do is perhaps create new industries, spur the economy, create new jobs, create more licensing opportunities. I think there is a great opportunity here if the office is able to modernize, especially its IT system.

Mr. RYAN. Thank you.

Thank you, Mr. Chairman.

Mr. YODER. Mr. Moolenaar.

Mr. MOOLENAAR. Thank you.

Thank you for your testimony. And I just wanted to follow up a little bit more on this topic you have been discussing. And you made the comment, fees should be the last resort. And you talked a little bit about trademarks and patents.

Mr. KUPFERSCHMID. Uh-huh.

Mr. MOOLENAAR. And what strikes me—and, you know, other ideas come to mind, like an FDA approval of something, where you have some new product that someone wants to protect, and it seems that the user-fee idea would be the most reasonable for that rather than a general appropriation. And I am just curious as to why that is different in the case of copyright.

Mr. KUPFERSCHMID. Yeah. I mean, that is a—thank you very much for the question. That is a fabulous question.

It is very different because copyright owners get rights or creators get rights in their creations the moment that work is created and fixed in a tangible medium. That is different than patents and different than trademarks.

In patents, for instance, you can invent something, but you have no rights unless you go to the Patent and Trademark Office, you apply for, and you receive a patent.

With copyrights, you do not need to register, and you still have rights. There are certain benefits to registration, but you still get rights in your creation if you don't register. And that is an international obligation. So pretty much the rest of the world abides by those same rules that don't require registration.

Mr. MOOLENAAR. And where were those rights established? I mean, where did that become that unique right for copyrights?

Mr. KUPFERSCHMID. I mean, that is going back to the 1976 act and, more significantly, like you said, the Berne Convention, which is an international convention—I think it is about over 200 countries—that basically said you cannot attach a formality to the granting of these copyright rights. And a formality would be registering with the U.S. Copyright Office.

So what happens is, if you were to increase the fee, that would work as an obstacle to people actually registering, and it would really come back and bite you, right? So if you end up increasing the fee so that the Copyright Office has more money to work with, people don't register has often, so you actually have less money, perhaps, to work with.

And that is especially true when you are talking about the small creators that, for instance, the Copyright Alliance represents, the small individual photographer, you know, the individual software coder or songwriter, who really doesn't have a lot of resources, and they are trying to make that, you know, decision, do I register, do I not?

And there are certainly some benefits to registration, but if an increase in the fees starts to become a roadblock—and it is a little bit right now, to be honest, we have heard from our members. If it becomes more of a roadblock to registration, that is going to come back and haunt us all, I think.

Mr. MOOLENAAR. And what are the benefits of registration? If it is already a right that is protected, why would I register?

Mr. KUPFERSCHMID. Well, so, number one, I mean, in order to get into Federal court, so if you wanted to actually sue somebody here in the United States, you would have to register beforehand in order to get statutory damages. So you can still get actual damages, but in order to get something called statutory damages and attorney's fees, you would have to register ahead of time.

There are also several other benefits, including, obviously, having your name on a piece of paper, "Look, I own this copyright." But at the end of the day, you have creators who are weighing those, especially smaller creators who, you know, as a totally separate issue, have a very difficult time getting to Federal court, because they can't afford Federal court—that that becomes a big issue. You think of those benefits, are those benefits worth it, and they make a cost-benefit analysis.

So if you change that calculus by increasing the fees, there is a very good chance that, you know, you might get a blowback and just not get as many registrations and, therefore, not get as much money coming into the Copyright Office.

Mr. MOOLENAAR. Thank you.

Thank you, Mr. Chairman.

Mr. YODER. Thank you.

Anything else?

Keith, thanks for your testimony this morning.

Mr. KUPFERSCHMID. Thank you.

Mr. YODER. We look forward to discussing this with you further.

The only thing I would ask is, do you have a specific proposal that you would like the committee to look at related to how you would see this all laying out?

Mr. KUPFERSCHMID. In terms of?

Mr. YODER. In terms of creating the autonomy.

Mr. KUPFERSCHMID. Yeah, we can provide that. I mean, we have information up on our website, and we have also filed comment with the House Judiciary Committee and testified before. So we are happy to provide that information.

Mr. YODER. If you might meet with committee staff about how you sort of see this functioning in the best way, and then we can sort of look at a proposal that gives us maybe something tangible to weigh.

Mr. KUPFERSCHMID. Yeah. Okay.

Mr. YODER. I am sure you have it, and you can send it over. Appreciate it.

Mr. KUPFERSCHMID. Okay. Thank you.

Mr. YODER. And, with that, Keith, thanks for your testimony.

The committee stands in recess until Wednesday, May 17, at 10:00 a.m., when we will hear from the House of Representatives concerning the fiscal year 2018 budget request.

[Testimony for the record follows:]

Crown Castle
2000 Corporate Drive
Canonsburg, PA 15317

May 3, 2017

The Honorable Kevin Yoder
United States House of Representatives
2433 Rayburn House Office Building
Washington, DC 20515

The Honorable Tim Ryan
United States House of Representatives
1126 Longworth House Office Building
Washington, DC 20515

Dear Chairman Yoder and Ranking Member Ryan:

On behalf of Crown Castle, I would like to share with the Committee draft legislative language that has been developed in conjunction with the Architect of the Capitol ("AoC") in order to allow the AoC to competitively procure an outdoor, neutral host, antenna system to enhance wireless coverage on the Capitol and Supreme Court grounds. The draft legislative language is attached for your consideration.

By way of background, Crown Castle provides wireless communications infrastructure throughout the United States and is the leading operator of neutral host small cell antenna installations. The Company owns and manages more than 40,000 tower and rooftop sites with a total enterprise value of over $35 billion and has a long history of working with all of the major wireless carriers. Crown Castle has developed neutral host antenna projects, often referred to as distributed antenna systems ("DAS"), in historic and visually sensitive areas such as Central Park in New York City, Benjamin Franklin Parkway in Philadelphia, the French Quarter in New Orleans, and Historic Williamsburg in Virginia. Based on this experience, Crown Castle is confident that the development of a neutral host DAS that respects the unique qualities of the Capitol and the Supreme Court is readily achievable.

Inadequate wireless coverage on the Capitol grounds and the National Mall has been a pressing issue for years and is often highlighted during major events such as the Inauguration, the Pope's visit and organized public demonstrations and marches. Despite the best attempts of major wireless carriers to augment existing wireless coverage and capacity during the 2017 Inauguration by deploying temporary antennas, the sheer volume of mobile phone use during the event overwhelmed wireless network resources.

The challenges posed by large crowds and heavy usage near the Capitol can be solved with the deployment of a neutral host DAS. This type of system provides the least visually intrusive wireless infrastructure solution for historic districts and other areas where a larger rooftop antenna or a tower is not feasible. DAS solutions are designed to blend into the surrounding landscape, often by attaching to lampposts and other existing structures.

In 2014, Crown Castle responded to a Request for Information ("RFI") for an outdoor DAS issued by the AoC . Following issuance of the RFI, it is our understanding the AoC determined that specific legislative authority was necessary to proceed with this project due to the nature of the installation and financing details. More specifically, because the project would be completed at no cost to the government and would allow for the AoC to secure a licensing fee from the selected vendor, the AoC determined that legislative authorization from Congress was required. Accordingly, the draft legislation mandates that all fees associated with the proposed project shall be deposited into the Capitol Trust Account established under section 213(c) of division I of the Consolidated Appropriations Act, 2014 (40 U.S.C. 5102 note). In addition, the draft legislative language would provide an exception to the prohibition on sales or solicitations on the Capitol grounds for the operation of the antenna system as well as other changes to ensure the grounds are protected and the project is reviewed by all interested parties.

The National Park Service ("NPS") is currently advancing a neutral host small cell antenna project for the National Mall. NPS has indicated it will release a Request for Qualifications ("RFQ") in June 2017 to interested parties. Crown Castle looks forward to responding to the NPS RFQ.

On behalf of Crown Castle, I appreciate the opportunity to provide testimony to the Committee and am available to answer any question you may have.

Sincerely,

Robert A. Millar
Associate General Counsel
(510) 290-3086 | robert.millar@crowncastle.com

1 **SEC. __ . AUTHORIZING AN OUTDOOR ANTENNA SYSTEM**
2 **ON CAPITOL GROUNDS.**
3 (a) DEFINITIONS.—In this section—
4 (1) the term "antenna system" means an out-
5 door antenna system or similar project or system;
6 (2) the term "Architect" means the Architect of
7 the Capitol;
8 (3) the term "Capitol Grounds"—
9 (A) means the United States Capitol
10 Grounds, as described in section 5102 of title
11 40, United States Code; and
12 (B) includes the Supreme Court grounds;
13 (4) the term "designed and operated in a com-
14 mercially neutral manner" means being designed
15 and operated in a manner that does not favor or
16 promote the products, services, or technology of 1
17 telecommunications carrier that is licensed by the
18 Federal Communications Commission over another
19 such telecommunications carrier; and
20 (5) the term "Supreme Court grounds" means
21 the Supreme Court grounds, as described in section
22 6101(b) of title 40, United States Code.
23 (b) OUTDOOR ANTENNA SYSTEM.—
24 (1) IN GENERAL.—The Architect—

(A) may directly undertake or competitively award 1 or more licenses or contracts for the design, installation, operation, and maintenance of an antenna system on Capitol Grounds;

(B) shall ensure that the components of any antenna system are installed and incorporated into existing infrastructure or in a manner complimentary to the aesthetics of the historic infrastructure on Capitol Grounds such that the installation is unobtrusive and does not impact the function or beauty and serenity of Capitol Grounds; and

(C) shall ensure any antenna system is designed and operated in a commercially neutral manner.

(2) LICENSING FEE.—If the Architect awards 1 or more licenses under paragraph (1), the Architect shall (to the extent commercially feasible) recover a license fee from each licensee which shall provide a fair return to the United States and may be based on—

(A) the duration of the service provided through the antenna system that takes place on Capitol Grounds;

(B) the modifications necessary to Capitol Grounds for the antenna system;

(C) the amount and type of equipment to be installed on Capitol Grounds;

(D) the design, installation, operation, and maintenance costs of the antenna system; and

(E) other factors as the Architect determines necessary in establishing appropriate license fees.

(3) LICENSES AND RIGHTS OF ENTRY.—To the extent necessary, and under such commercially reasonable terms and conditions as the Architect may establish, the Architect may grant licenses or other rights of entry to permit installation, operation, and maintenance of an antenna system on Capitol Grounds.

(4) NO-COST CONTRACTS.—In carrying out paragraph (1), the Architect may competitively award contracts for goods and services under which the United States shall not incur a financial liability or for which the Architect does not have appropriated funds.

(5) AUTHORITY TO ACCEPT GIFTS RELATING TO AN ANTENNA SYSTEM.—In carrying out paragraph (1) the Architect may—

(A) accept gifts of property and voluntary services related to carrying out paragraph (1); and

(B) acquire property, administer property, dispose of property, and conduct other transactions related to carrying out paragraph (1).

(6) MAXIMUM INITIAL PERIOD.—The Architect may not award a license or contract under paragraph (1)(A) for a period that is longer than 10 years.

(7) ADDITIONAL PERIODS.—The Architect may renew or extend a license or contract awarded under paragraph (1)(A) or make a second or subsequent award of a license or contract under paragraph (1)(A) for a period of not longer than 10 years.

(8) APPROVALS.—The Architect may not permit any activity relating to the installation of an antenna system that has not been approved by—

(A) the Committee on Rules and Administration of the Senate;

(B) the Committee on House Administration or the Committee on Transportation and Infrastructure of the House of Representatives, as determined appropriate by the Speaker of the House of Representatives; and

1 (C) to the extent the antenna system is ex-
2 tended to the Supreme Court grounds, the
3 Chief Justice of the United States.
4 (9) OPERATION WITH CAPITOL POLICE RADIO
5 SYSTEM.—The Architect shall consult with the
6 United States Capitol Police to ensure that the an-
7 tenna system will not interfere with the radio com-
8 munication systems of the United States Capitol Po-
9 lice.
10 (c) RECOVERY OF COSTS.—
11 (1) IN GENERAL.—The Architect may collect
12 from licensees under subsection (b)(1)(A) any direct
13 costs incurred by the Architect as a result of the in-
14 stallation, operation, and maintenance of the an-
15 tenna system, including utility, administrative, and
16 personnel costs.
17 (2) NOT PART OF FEES.—All costs recovered
18 under paragraph (1) shall be in addition to any fee
19 recovered under subsection (b)(2).
20 (d) PROTECTION OF RESOURCES.—The Architect
21 shall not permit any activity relating to the construction
22 or operation of an antenna system or similar project if
23 the Architect determines that—

(1) there is a likelihood of damage to any building, facility, planting, or infrastructure on Capitol Grounds;

(2) there would be an unreasonable disruption of the public's use and enjoyment of the Capitol Grounds;

(3) the activity poses health or safety risks to the public;

(4) the activity or the proposed antenna system equipment materially alters the aesthetics and appearance of the historic landscape and structures on the Capitol Grounds; or

(5) the activity would not be in the best interests of the United States or Congress.

(e) USE OF FUNDS.—

(1) IN GENERAL.—All fees and amounts collected by the Architect under this section shall be deposited in the Capitol Trust Account established under section 213(c) of division I of the Consolidated Appropriations Act, 2014 (40 U.S.C. 5102 note).

(2) USE.—Amounts deposited under paragraph (1) shall be available for obligation and expenditure in accordance with section 213(c)(3) of division I of

the Consolidated Appropriations Act, 2014 (40 U.S.C. 5102 note).

(3) TECHNICAL AND CONFORMING AMENDMENT.—Section 213(e)(1) of division I of the Consolidated Appropriations Act, 2014 (40 U.S.C. 5102 note) is amended by inserting "and all amounts collected by the Architect of the Capitol under section [____] of the [_____] Act" before the period at the end.

(f) EXCEPTION TO PROHIBITION OF SALE OR SOLICITATION ON UNITED STATES CAPITOL GROUNDS.—Section 5104(e) of title 40, United States Code, shall not apply to any telecommunications connectivity transaction relating to the operation of the antenna system.

(g) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2017 and each fiscal year thereafter.

Robert Millar

Robert Millar is currently Associate General Counsel for Crown Castle, with primary responsibility for Crown Castle's DAS and Small Cell regulatory matters before the FCC and State regulatory commissions and providing legal support for Crown Castle's small cell government relations team. Prior to joining Crown Castle he worked in the telecommunications practice groups of Willkie Farr & Gallagher LLP and Davis Wright Tremaine LLP, and as a Director of Government Relations for Verizon Communications. Robert serves as a co-chair for the Northern California Chapter of the Federal Communications Bar Association and co-chair of the HetNet Advocacy Committee. Robert received his J.D. degree from Columbus School of Law, Catholic University of America and his B.A. degree from Seattle University.

Witness Disclosure Form

Clause 2(g) of rule XI of the Rules of the House of Representatives requires non-governmental witnesses to disclose to the Committee the following information. A non-governmental witness is any witness appearing on behalf of himself/herself or on behalf of an organization other than a federal agency, or a state, local or tribal government.

Your Name, Business Address, and Telephone Number:

Robert A. Millar
Telephone: 510-290-3086
Attn: Crown Castle Legal Department
2000 Corporate Drive
Canonsburg, PA 15317

1. Are you appearing on behalf of yourself or a non-governmental organization? Please list organization(s) you are representing.

Crown Castle

2. Have you or any organization you are representing received any Federal grants or contracts (including any subgrants or subcontracts) since October 1, 2012 related to the agencies or programs funded by the Subcommittee?

Yes ☐ No ☑

3. Have you or any organization you are representing received any contracts or payments originating with a foreign government since October 1, 2012 related to the agencies or programs funded by the Subcommittee?

Yes ☐ No ☑

4. If your response to question #2 and/or #3 is "Yes", please list the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof), and/or the amount and country of origin of any payment or contract originating with a foreign government. Please also indicate whether the recipient was you or the organization(s) you are representing.

Signature: Robert A. Millar Date: June 9, 2017

ITIF INFORMATION TECHNOLOGY & INNOVATION FOUNDATION

May 3, 2017

House Committee on Appropriations Subcommittee on Legislative Branch
HT-2, The Capitol
Washington, DC

Dear members of the subcommittee,

My name is Alan McQuinn. I am a research analyst for the Information Technology and Innovation Foundation (ITIF), a nonpartisan research and educational institute whose mission is to formulate and promote public policies to advance technological innovation and productivity. ITIF focuses on competitiveness, innovation, and productivity issues, including in the context of digital governance.

In March 2017, ITIF published a report that benchmarked the most popular federal websites using four metrics: page-load speed, mobile friendliness, security, and accessibility.[1] In the report, we looked at nearly 300 federal government websites, including executive, legislative, judicial, and independent agencies. We found that 92 percent of federal websites failed at least one metric. We observed that nonexecutive branch websites seemed to score below executive branch website, especially when it came to security. We surmised this was happening because websites from legislative, judicial, and independent agencies are not required to follow the same guidance as executive websites and often choose not to.

Since then we have done additional testing on legislative branch websites to see how well they scored on each of the report's metrics.[2] We have summarized the results below.

Methodology

We created a list of legislative branch websites by searching the Internet for the names of the committees, commissions, and agencies identified as being part of the legislative branch in the federal budget. We identified 94 legislative branch websites. We analyze both domains and subdomains (e.g. energycommerce.house.gov). Indeed, we analyzed 47 subdomains for the House of Representatives (house.gov) alone, as the websites on these subdomains appear to be managed independently. We did not analyze the websites of individual members of Congress.

We then repeated the methodology used in the ITIF report to calculate scores and rankings for each legislative website, with minor changes to the security section. For more details, please review the report's original methodology and recent updates to the methodology for scoring Domain Name System Security (DNSSEC) implementation.[3]

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[1] Alan McQuinn and Daniel Castro, "Benchmarking U.S. Government Websites," *Information Technology and Innovation Foundation*, March 2017, http://www2.itif.org/2017-benchmarking-government-websites.pdf.
[2] Alan McQuinn, "Benchmarking Legislative Branch Websites," *Information Technology and Innovation Foundation*, May 3, 2017, https://itif.org/publications/2017/05/03/benchmarking-legislative-branch-websites.
[3] McQuinn and Castro, "Benchmarking U.S. Government Websites"; Alan McQuinn, "A Closer Look at DNSSEC on U.S. Government Websites," *Information Technology and Innovation Foundation*, March 2017, https://itif.org/publications/2017/03/31/closer-look-dnssec-us-government-websites.

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Results and Discussion

We found 99 percent of the legislative branch websites failed at least one of the metrics. Only 29 percent of websites had successfully implemented DNSSEC, a security feature which prevents attacks from directing users to malicious websites. In addition, only 34 percent of websites passed the mobile-page load speed test which means these sites are not optimized for a fast user experience on mobile devices. Legislative websites also performed poorly in regards to providing a site that is accessible to people with disabilities with only 52 percent passing this test.

Overall, legislative websites perform worse on these tests than other federal websites. Legislative websites only outperformed its peers on metrics for mobile friendliness and Secure Sockets Layer (SSL) implementation. Table 1 below shows how the scores broke down across all 94 websites for each metric compared to the same scores across approximately 300 of the most popular websites from all branches of government. (Please note that the sample of approximately 300 popular websites includes a few legislative branch websites, so the comparison is not perfect):

Table 1: Percent of websites that passed tests for page load speed, mobile friendliness, security, and accessibility for legislative branch and popular federal websites.

	Legislative Websites	Popular Federal Websites
Desktop Page-Load Speed	69 percent	78 percent
Mobile Page-Load Speed	34 percent	36 percent
Mobile Friendliness	74 percent	59 percent
SSL Scores	85 percent	66 percent
DNSSEC Scores	29 percent	90 percent
Accessibility	52 percent	58 percent

And how did these scores breakdown along partisan lines? We compared 25 Democratic websites, such as the House Minority Leader (democraticleader.gov) and the minority staff website for the House Intelligence Committee (democrats-intelligence.house.gov) with 26 Republican websites, such as the Speaker of the House (speaker.gov) and the House Intelligence Committee (intelligence.house.gov). Republican websites included all major House of Representatives Committee websites, except the House Ethics Committee. We did not include Senate websites in this test because there are not separate majority and minority websites for Senate committees.

Table 2: Percent of legislative websites that passed tests for page load speed, mobile friendliness, security, and accessibility by party affiliation.

	Republican Websites	Democratic Websites
Desktop Page-Load Speed	62 percent	56 percent
Mobile Page-Load Speed	42 percent	40 percent
Mobile Friendliness	88 percent	76 percent
SSL Scores	100 percent	72 percent
DNSSEC Scores	0 percent	0 percent
Accessibility	42 percent	52 percent

Overall, we found that Democratic and Republican federal websites scored similarly on speed and domain security. However, we found Democratic websites scored lower on average than Republican websites on mobile friendliness and SSL scores. Regarding mobile friendliness, while 88 percent of Republican websites passed this test, only 76 percent of Democratic websites passed. Similarly, while all Republican websites passed the SSL score, only 72 percent of Democratic websites did the same. And Democratic websites scored higher on average for accessibility, with 52 percent of Democratic websites passing compared to 42 percent of Republican sites.

Legislative Websites Should Follow Federal Standards and Best Practices

Many poorly performing federal websites are part of the legislative branch, and thus they are not bound by the same rules and guidelines as executive-branch websites. But that does not mean these websites are less important resources for the public or that users expect a different experience when visiting these sites. Because many individuals and businesses rely on these websites, they should adhere to the same standards as their executive counterparts. To that end, the House and Senate Administration Committees should require legislative agency and committee websites to follow the same standards for websites that executive-branch agencies follow. They should also leverage shared services, such as reporting website metrics to the federal data analytics program.[4] Finally, Congress should establish, and participate in, an interagency working group on modernizing websites to share best practices, guidelines, and source code between the various agencies and branches of government.

By leading by example, Congress can send a signal to independent agencies, judicial agencies, and non-compliant executive branch agencies that they need to provide all Americans with secure and convenient access to online government services and information.

Table 3: Overall scores of each legislative agency or committee website.

Legislative Agency or Committee	Domain	Overall Score
Senate Finance Committee	finance.senate.gov	86.4
Senate Commerce Committee	commerce.senate.gov	84.8
Medicaid and CHIP Payment and Access Commission	macpac.gov	84.8
U.S.-China Economic and Security Commission	uscc.gov	83.4
Senate Agricultural Committee	agriculture.senate.gov	83.2
Open World Leadership Center	openworld.gov	83.1
U.S. Congress	congress.gov	82.9
Congressional Budget Office	cbo.gov	82.4
Senate Homeland Security and Government Affairs	hsgac.senate.gov	82.3
Senate Veterans Committee	veterans.senate.gov	82.3
House Benghazi Minority Staff	democrats-benghazi.house.gov	80.9
House Veterans Committee	veterans.house.gov	80.8
U.S. Copyright Office	copyright.gov	80.2
House Intelligence Minority Staff	democrats-intelligence.house.gov	79.8
House Intelligence Committee	intelligence.house.gov	79.7
Senate Banking Committee	banking.senate.gov	79.5
House Homeland Security Minority Staff	democrats-homeland.house.gov	79.4
U.S. Capitol Police	uscp.gov	79.2
Senate Judiciary Committee	judiciary.senate.gov	79.1
House Veterans' Affairs Minority Staff	democrats-veterans.house.gov	78.8
Joint Economic Committee	jec.senate.gov	78.7
House Oversight Minority Staff	democrats-oversight.house.gov	78.6
House Small Business Committee	smallbusiness.house.gov	78.4
Senate Appropriations Committee	appropriations.senate.gov	78.0
House Armed Services Committee	armedservices.house.gov	77.5
Senate Help Committee	help.senate.gov	77.2
U.S. Commission on Int'l Religious Freedom	uscirf.gov	77.1
Library of Congress	loc.gov	76.9
U.S. Senate	senate.gov	76.8
Republican Policy Committee	policy.house.gov	76.6
House Natural Resources Committee	naturalresources.house.gov	75.6
House Education and the Workforce	edworkforce.house.gov	75.1
House Energy Committee	energycommerce.house.gov	74.9
House Judiciary Minority Staff	democrats-judiciary.house.gov	74.9
Office of Compliance	compliance.gov	74.7

[4] "DAP: Digital Analytics Program," *DigitalGov*, visited May 3, 2017, https://www.digitalgov.gov/services/dap/.

House Energy and Commerce Minority Staff	democrats-energycommerce.house.gov	73.7
House Science Committee	science.house.gov	73.1
House Natural Resources Minority Staff	democrats-naturalresources.house.gov	72.6
House Budget Committee	budget.house.gov	72.4
House Judicial Committee	judiciary.house.gov	72.1
U.S. House	house.gov	71.0
Senate Budget Committee	budget.senate.gov	70.9
Majority Leader	majorityleader.house.gov	70.8
Capitol Visitor Center	visitthecapitol.gov	70.5
House Homeland Committee	homeland.house.gov	70.1
House Foreign Affairs Minority Staff	democrats-foreignaffairs.house.gov	68.3
Stennis Center for Public Service Leadership	stennis.gov	68.1
Commission on Security and Cooperation in Europe	csce.gov	67.8
Republican Congressional	gop.gov	67.7
Majority Whip	majoritywhip.gov	66.9
Senate Rules Committee	rules.senate.gov	66.7
Speaker of the House	speaker.gov	66.4
House Foreign Affairs Committee	foreignaffairs.house.gov	66.2
House Education Minority Staff	democrats-edworkforce.house.gov	65.5
House Transportation Committee	transportation.house.gov	64.5
Ways and Means Committee	waysandmeans.house.gov	64.0
House Oversight Committee	oversight.house.gov	63.9
Senate Small Business and Entrepreneurship	sbc.senate.gov	63.8
Senate Energy Committee	energy.senate.gov	63.6
House Rules Committee	rules.house.gov	63.5
U.S. Botanical Gardens	usbg.gov	63.5
Senate Environment and Public Works	epw.senate.gov	63.4
House Financial Services Committee	financialservices.house.gov	63.1
House Administration Minority Staff	democrats-cha.house.gov	62.7
House Benghazi Committee	benghazi.house.gov	61.5
Senate Armed Services Committee	armed-services.senate.gov	60.6
Assistant Democratic Leader	assistantdemocraticleader.house.gov	60.5
Government Publishing Office	gpo.gov	59.4
House Appropriations Minority Staff	democrats.appropriations.house.gov	59.1
House Ethics Committee	ethics.house.gov	58.8
Committee on House Administration	cha.house.gov	58.6
Joint Committee on Taxation	jct.gov	57.5
Clerk of the House	clerk.house.gov	55.9
Dwight D. Eisenhower Memorial	eisenhowermemorial.gov	55.2
Democratic Whip	democraticwhip.gov	54.8
Congressional Democrats	dems.gov	54.1
House Financial Services Minority Staff	democrats.financialservices.house.gov	52.5
Democratic Leader	democraticleader.gov	51.3
Government Accountability Office	gao.gov	50.9
House Transportation Minority Staff	democrats.transportation.house.gov	49.9
Architect of the Capitol	aoc.gov	49.7
House Rules Minority Staff	democrats.rules.house.gov	48.5
House Ways and Means Minority Staff	democrats-waysandmeans.house.gov	47.7
House Armed Services Minority Staff	democrats-armedservices.house.gov	47.4
House Agricultural Committee	agriculture.house.gov	47.3
Senate Foreign Committee	foreign.senate.gov	47.3
House Small Business Minority Staff	democrats.smallbusiness.house.gov	46.8
Congressional-Executive Commission on China	cecc.gov	46.7
House Budget Minority Staff	democrats-budget.house.gov	45.6
Medicare Payment Advisory Commission	medpac.gov	45.3
House Appropriations Committee	appropriations.house.gov	45.1
House Science Minority Staff	democrats.science.house.gov	42.3
U.S. Code	uscode.house.gov	41.3
House Agriculture Minority Staff	democrats.agriculture.house.gov	41.2

For a detailed spreadsheet of the legislative website data, including each website's score on individual metrics, please visit the link in this reference.[5]

Thank you again for this opportunity to submit this testimony for the record.

Sincerely,

Alan McQuinn
Research Analyst, Information Technology and Innovation Foundation

[5] McQuinn, "Benchmarking Legislative Branch Websites."

Witness Disclosure Form

Clause 2(g) of rule XI of the Rules of the House of Representatives requires non-governmental witnesses to disclose to the Committee the following information. A non-governmental witness is any witness appearing on behalf of himself/herself or on behalf of an organization other than a federal agency, or a state, local or tribal government.

Your Name, Business Address, and Telephone Number:

John Alan McQuinn, 1101 K St. NW, Suite 610, Washington DC 20005
202-524-5549

1. Are you appearing on behalf of yourself or a non-governmental organization? Please list organization(s) you are representing.

   The Information Technology & Innovation Foundation

2. Have you or any organization you are representing received any Federal grants or contracts (including any subgrants or subcontracts) since October 1, 2012 related to the agencies or programs funded by the Subcommittee?

   Yes (No)

3. Have you or any organization you are representing received any contracts or payments originating with a foreign government since October 1, 2012 related to the agencies or programs funded by the Subcommittee?

   Yes (No)

4. If your response to question #2 and/or #3 is "Yes", please list the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof), and/or the amount and country of origin of any payment or contract originating with a foreign government. Please also indicate whether the recipient was you or the organization(s) you are representing.

Signature: J Alan McQ

Date: 5/3/2017

Alan McQuinn

Research Analyst
Information Technology and Innovation Foundation

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Twitter (https://twitter.com/AlanMcQuinn)

(http://www2.itif.org/2015-alan-mcquinn.jpg)

Alan McQuinn is a research analyst at the Information Technology and Innovation Foundation. His research areas include a variety of issues related to information technology and Internet policy, such as cybersecurity, privacy, virtual currencies, e-government, Internet governance, and commercial drones. He was previously a telecommunications fellow for Representative Anna Eshoo (D-CA).

McQuinn graduated from the University of Texas at Austin with a B.S. in public relations and political communications and a minor in Mandarin Chinese. He spent his final semester as a participant in the Bill Archer Fellowship Program. During his time as an Archer fellow, he interned for the Federal Communications Commission in the Office of Legislative Affairs. Before that, he interned for the City of Austin Public Information Office, where he worked on major city projects related to e-government, transparency, and the rollout of Google Fiber Austin.

Committee on Appropriations Legislative Branch Subcommittee
May 3, 2017

Written Testimony of Hudson Hollister
Founder and Executive Director, Data Coalition

Chairman Yoder, Ranking Member Ryan, and Members of the Committee: Thank you for this opportunity to provide written testimony on behalf of the Data Coalition regarding the modernization of the legislative branch of our government.

I founded the Data Coalition in 2012. We represent thirty-six technology and consulting companies, employing over two hundred thousand Americans. Fourteen of our members are startups founded within the last decade. Ten are public companies, with a combined market capitalization exceeding $1.5 trillion. All of our member companies support the publication of government information as machine-readable and open data.

I write in support of the publication of Congressional Research Service (CRS) reports online, in a machine-readable and open data format, for full public access. CRS reports play a critical role in our legislative process by informing lawmakers and staff about the important issues of the day. Making CRS reports available as open data will modernize a long-outdated aspect of the legislative process.

Longstanding congressional policy allows Members and committees to use their websites to disseminate CRS products to the public, although CRS itself may not engage in direct public dissemination. The result is that people with Capitol Hill connections can easily obtain CRS reports from any of the 20,000 congressional staffers and well-resourced groups can pay for access from subscription services. We believe public should have the same access to information.

Our colleagues at Demand Progress and the R Street Institute have submitted testimony that addresses in detail the arguments in support of public access to CRS reports. We will focus on evaluating and addressing the concerns that have been raised from time to time with public access.

We note that many committees publish CRS reports on their websites, and that many CRS reports are available through third parties. On that point, the website EveryCRSReport.com is publishing more than 8,200 active CRS reports, although that website is meant to demonstrate what Congress could do and it does not obviate the need for Congress to publish the reports. We urge you to give great weight to the significant public benefit that would result from comprehensive, timely access.

CRS itself has raised concerns with public access to CRS reports over the last few decades. When reviewing CRS' concerns, four points are worth keeping in mind.

1. CRS' concerns often center around CRS itself making the reports available to the public. Current proposals would place publishing responsibilities with another entity.

2. CRS' concerns often conflate public access to CRS reports that are generally available to Congress with public access to confidential memoranda and advice. No legislative proposal calls for public access to confidential memoranda.

3. CRS' stated concerns also do not identify how CRS' posture would be adversely affected as compared to the *status quo*, as Members and committees routinely make reports available to the public and many reports are hosted on third-party websites.

4. CRS has not addressed the benefits to making reports available to the public.

We now turn to the issues of copyright, constituent communications, CRS mission and partisan perspectives, confidential memoranda, public engagement, authorial information, and speech or debate protection.

Copyright

In circumstances where a CRS report contains material copyrighted by a third-party, CRS has raised the concern that congressional release of CRS reports online may implicate copyright's fair use doctrine and "liability could attach" to the re-publication. As many CRS reports already are released to the public by Congress and the Senate has encouraged Members and committees to publish the reports online, the theory under which additional liability would arise is unsupported. However, the publication of a disclaimer on each report, similar to that used by the Government Accountability Office, should address any lingering concerns. Here is that language:

> This is a work of the U.S. government and is not subject to copyright protection in the United States. The published product may be reproduced and distributed in its entirety without further permission from GAO. However, because this work may contain copyrighted images or other material, permission from the copyright holder may be necessary if you wish to reproduce this material separately.

Constituent Communications

CRS has argued online publication of the reports "might lead CRS to be seen as speaking for Congress, thereby potentially threatening the dialogue on policy issues between Members and those they represent." As many CRS reports already are

released to the public by Congress, the Senate has encouraged Members and committees to publish the reports online, and many third-parties are publishing the reports online, it is difficult to imagine that a central congressional point of publication would lead additional people to conclude CRS is speaking for Congress.

For the sake of clarity, the central website on which the reports are published could briefly explain the role of CRS in plain language, drawing from its authorizing language in 2 U.S.C. § 166 or from the Library of Congress's CRS webpage. That webpage describes CRS as follows:

> The Congressional Research Service (CRS) serves as shared staff to congressional committees and Members of Congress. CRS experts assist at every stage of the legislative process — from the early considerations that precede bill drafting, through committee hearings and floor debate, to the oversight of enacted laws and various agency activities.
>
> CRS approaches complex topics from a variety of perspectives and examines all sides of an issue. Staff members analyze current policies and present the impact of proposed policy alternatives.

Similar language could be inserted into the reports as well.

CRS Mission and Partisan Perspectives

CRS raises the concern its mission would change because of widespread public access to the reports. Specifically, "analysts [may] become more conscious of the need to address views, methods, disciplines, and expectations of a non-congressional audience," and CRS would need to respond to the public should there be a "reaction" to reports on "controversial topics." Additionally, it would "increase partisan and special interest pressure on CRS as groups and individuals try to influence the research and analysis," leading the public to contact CRS analysts.

As CRS reports already are widely—but unevenly—accessible to the public and the subject of high profile news stories, equitable access to all reports is unlikely to adversely affect current circumstances. However, because updated CRS reports are not always widely and quickly disseminated, current publication practices create a risk that inaccurate CRS reports that are later updated will continue to circulate to the public in an uncorrected form.

CRS has not identified a diminution in report quality over the last decade, even with widespread but uneven public access that it believes could create additional partisan and special interest pressure. However, as Congress has a vested interest in the content of the reports, it is a much more significant source of partisan pressure than the public. Additionally, CRS has a four-level review process that aims to produce research reports and products that are of interest to Congress and free from any bias.

Confidential Memoranda

CRS argues the release of non-confidential reports would cause it to decrease the number of reports and increase the number of confidential memoranda, thereby triggering an effort to provide the public access to confidential memoranda that, if successful, would "irrevocably alter" the mission and focus of CRS. This "slippery slope" argument is not responsive to the question of public access to CRS reports, which have been made available to the public online, albeit inconsistently, for two decades. Members of Congress and committees are capable of making the decision of which confidential memoranda should be released to the public.

Public Engagement

CRS raises the concern that public access to reports will increase inquiries to CRS, either directly or through Member offices, to which it must respond. No one is proposing CRS directly respond to constituents. However, it already is congressional policy that any Member of Congress or committee may publish reports online, with the Senate encouraging Members and committees to do so. Should a Member office deem it appropriate for CRS to respond to an inquiry, that responsiveness to Congress is CRS' reason for existence. Moreover, public availability of the reports may *decrease* inquiries to Member offices asking for the most up-to-date version of a report.

In addition, CRS argues that widespread public access to CRS reports will increase agency costs through an "increase in the volume of tailored individual requests for Members and committees, the establishment of a Public Affairs-type Office to oversee the dissemination of products, and the hiring of additional staff to edit work intended for public distribution."

First, the decision to write a report or confidential memo for the most part is in the hands of each analyst. As a result, there is no reason to conclude the volume of tailored individual requests would be affected. With widespread but uneven online public access, any shift in publication format would already have taken place. Second, a public affairs-type office is unnecessary because no one suggests CRS should respond directly to constituent requests. Finally, it already is expected by CRS that any of its products may end up in the hands of the public. This is why, in part, there is a multi-stage review process for *all* reports and research products. CRS should not change its current practices regarding writing reports nor add additional staff to address publication needs.

Authorial Information

CRS suggests it will need to remove the name of the author and contact information from CRS reports. Again, many CRS reports already are released to the public by Congress and the Senate has encouraged Members and committees to publish the

reports online. Additionally, the agency itself not long ago crafted tools to allow Members and committees to display CRS reports on their websites.

As a matter of practice, CRS already removes the name of authors for reports it determines may create a safety risk for its author. There is no public indication that the work of CRS analysts has been impeded by communications from the public on reports that already are publicly available.

External correspondents can help CRS analysts identify flaws in reports and provide useful context. However, to the extent unrequested communications adversely impact CRS' work, contact information could be removed from the reports with ease. Such a process has been demonstrated on the EveryCRSReport.com website, which has redacted this information in an automated way from more than 8,200 reports.

Loss of Speech or Debate Protection and Confidentiality

CRS raises the concern that public access to CRS reports could weaken analyst protection under the Speech or Debate Clause; the loss of that protection may result in CRS analysts being "required to testify about the advice they provide to Congress." As many CRS reports already are released to the public by Congress and the Senate has encouraged Members and committees to publish the reports online, there is little reason to conclude CRS' posture would be adversely affected.

Former Counsel for the House of Representatives Stan Brand called CRS' concerns "unfounded," and in a memo on Senate legislation that would have required the Secretary of the Senate to publish online CRS reports, wrote, "I believe that the concerns expressed in the CRS memorandum are either overstated, or the extent they are not, provide no basis for arguing that protection of CRS works will be weakened by [Senator Lieberman and McCain's] bill." He recommended:

> In an abundance of caution, and to address CRS' concerns, you might consider adding the following language to the bill: "Nothing herein shall be deemed or considered to diminish, qualify, condition, waive or otherwise affect applicability of the constitution's Speech or Debate Clause, or any other privilege available to Congress, its agencies or their employees, to any CRS product made available on the Internet under this bill."

Congress has been distributing CRS reports to the public (often in the form of committee prints) since the 1970s. CRS even used to compile a list of CRS reports in the public domain. Nevertheless, no analyst has been hauled into court and forced to testify about his or her work for Congress.

Thank you for the opportunity to testify.

DATA
COALITION

Committee on Appropriations Legislative Branch Subcommittee
May 3, 2017

Biography of Hudson Hollister
Founder and Executive Director, Data Coalition

Hudson Hollister founded the Data Coalition in 2012 to serve as the leading industry advocacy group for open data in government. He has helped to craft landmark U.S. government data reforms, including the Digital Accountability and Transparency Act of 2014 (DATA Act) and the Financial Transparency Act. He received the FCW Federal 100 award in 2015 and was a Fastcase 50 winner in 2016.

Prior to founding the Data Coalition, Hudson served as counsel to the Committee on Oversight and Government Reform of the U.S. House of Representatives and as an attomey fellow in the Office of Interactive Disclosure at the Securities and Exchange Commission. Before his government service, he was a securities litigator in the Chicago office of Latham & Watkins LLP.

Witness Disclosure Form

Clause 2(g) of rule XI of the Rules of the House of Representatives requires non-governmental witnesses to disclose to the Committee the following information. A non-governmental witness is any witness appearing on behalf of himself/herself or on behalf of an organization other than a federal agency, or a state, local or tribal government.

Your Name, Business Address, and Telephone Number:

Hudson Hollister, Data Coalition
8 E St SE, Washington DC 20003
312.493.7533

1. Are you appearing on behalf of yourself or a non-governmental organization? Please list organization(s) you are representing.

Data Coalition

2. Have you or any organization you are representing received any Federal grants or contracts (including any subgrants or subcontracts) since October 1, 2008?

Yes (No)

3. If your response to question #2 is "Yes", please list the amount and source (by agency and program) of each grant or contract, and indicate whether the recipient of such grant or contract was you or the organization(s) you are representing.

Signature: Hudson Hollister

Date: 5-3-2017

Submitted by: Joshua New, Policy Analyst, Center for Data Innovation

May 3, 2017

House Committee on Appropriations Subcommittee on Legislative Branch
HT-2, The Capitol
Washington, DC

Dear members of the subcommittee,

On behalf of the Center for Data Innovation (datainnovation.org), we are pleased to submit this testimony to the House Appropriations Legislative Branch Subcommittee.

The Center for Data Innovation is the leading think tank studying the intersection of data, technology, and public policy. With staff in Washington, DC and Brussels, the Center formulates and promotes pragmatic public policies designed to maximize the benefits of data-driven innovation in the public and private sectors. It educates policymakers and the public about the opportunities and challenges associated with data, as well as technology trends such as predictive analytics, open data, cloud computing, and the Internet of Things. The Center is a non-profit, non-partisan

research institute affiliated with the Information Technology and Innovation Foundation.

Congress has made significant strides in publishing open data.[1] Congressional data sets include decades of information on legislation, votes, hearings, member biographies, and federal nominations. This data is a valuable resource for innovation, and companies such as Quorum and FiscalNote have built successful businesses using these datasets.[2] However, obtaining this data and making it usable can be very resource intensive. While Congress publishes many data sets in machine-readable formats and without license restrictions, most of its data sets are only available as a bulk download (i.e. a single large file). Congress does not provide access to most of its data via an application programming interface (API), a series of computer functions that allows developers to build software that interacts directly and seamlessly with discrete portions of a dataset.[3] As a result, Congressional data is unnecessarily difficult for developers to access and integrate into other apps and online services. For example, developers must download complete datasets, such as the entirety of the U.S. Code, and then extract the information they need, rather than downloading only the relevant portions. For datasets that are updated frequently, this type of limitation is particularly cumbersome.

Should Congress publish information via API as well as in bulk, more businesses could integrate Congressional data into their apps and services. Furthermore, tools such as these can enable staffers in the House and Senate to be more productive by reducing the time they have to spend tracking down legislative information.[4] In the absence of an API provided by Congress, other organizations, such as the nonprofit investigative reporting organization ProPublica, have created APIs to provide access to their own collections of legislative data. However, these APIs are not authoritative sources of data. Moreover, the API owners can impose restrictions on how developers use the APIs, such as limiting to noncommercial uses only or charging commercial users additional fees.[5]

We recommend that Congress should begin publishing legislative data via API in addition to publishing this data in bulk format. As the Library of Congress already transmits legislative data internally via API, Congress should publish this data with a public-facing API as well. Given the success of the Congressional Bulk Data Task Force which led Congress's earlier efforts to make machine-readable data from the legislative branch available for download, Congress should direct the task force to investigate and implement these changes to existing legislative information systems.[6]

Sincerely,

Daniel Castro
Director
Center for Data Innovation
dcastro@datainnovation.org

Joshua New
Policy Analyst
Center for Data Innovation
jnew@datainnovation.org

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[1] Legislative Branch Appropriations Bill, 2013, H. Rept 112-511, 112th Cong. (2012)

[2] Joshua New, "5 Q's for Jonathan Marks, Cofounder of Quorum," Center for Data Innovation, November 2015, https://www.datainnovation.org/2015/11/5-qs-for-jonathan-marks-cofounder-of-quorum/2015.

[3] The U.S. Government Publishing Office (GPO) does provide a limited API at https://api.fdsys.gov/.

[4] Joshua New, "Event Recap: Open Legislative Data Could Help Solve Some of the Public's Biggest Frustrations with Congress," Center for Data Innovation, July 2016, https://www.datainnovation.org/2016/06/event-recap-open-legislative-data-could-help-solve-some-of-the-publics-biggest-frustrations-with-congress/.

[5] ProPublica Congress API, accessed April 12, 2017, https://www.propublica.org/datastore/api/propublica-congress-api

[6] Legislative Branch Appropriations Bill, 2013, H. Rept 112-511, 112th Cong. (2012)

Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies

Witness Disclosure Form

Clause 2(g) of rule XI of the Rules of the House of Representatives requires non-governmental witnesses to disclose to the Committee the following information. A non-governmental witness is any witness appearing on behalf of himself/herself or on behalf of an organization other than a federal agency, or a state, local or tribal government.

Your Name, Business Address, and Telephone Number: Daniel Castro Center for Data Innovation 1101 K St NW, Suite 610 Washigton, DC 20005
1. Are you appearing on behalf of yourself or a non-governmental organization? Please list organization(s) you are representing. Yes, the Center for Data Innocation
2. Have you or any organization you are representing received any Federal grants or contracts (including any subgrants or subcontracts) since October 1, 2008? No
3. If your response to question #2 is "Yes", please list the amount and source (by agency and program) of each grant or contract, and indicate whether the recipient of such grant or contract was you or the organization(s) you are representing.

Signature: Date: 5/3/2017

Bio for Daniel Castro: Daniel Castro is the director of the Center for Data Innovation and vice president of the Information Technology and Innovation Foundation. Mr. Castro writes and speaks on a variety of issues related to information technology and internet policy, including data, privacy, security, intellectual property, internet governance, e-government, and accessibility for people with disabilities. His work has been quoted and cited in numerous media outlets, including The Washington Post, The Wall Street Journal, NPR, USA Today, Bloomberg News, and Businessweek. In 2013, Mr. Castro was named to FedScoop's list of "Top 25 most influential people under 40 in government and tech." In 2015, U.S. Secretary of Commerce Penny Pritzker appointed Mr. Castro to the Commerce Data Advisory Council.Mr. Castro previously worked as an IT analyst at the Government Accountability Office (GAO) where he audited IT security and management controls at various government agencies. He contributed to GAO reports on the state of information security at a variety of federal agencies, including the Securities and Exchange Commission (SEC) and the Federal Deposit Insurance Corporation (FDIC). In addition, Mr. Castro was a Visiting Scientist at the Software Engineering Institute (SEI) in Pittsburgh, Pennsylvania where he developed virtual training simulations to provide clients with hands-on training of the latest information security tools. He has a B.S. in Foreign Service from Georgetown University and an M.S. in Information Security Technology and Management from Carnegie Mellon University.

Bio for Joshua New: Joshua New is a policy analyst at the Center for Data Innovation. He has a background in government affairs, policy, and communication. Prior to joining the Center for Data Innovation, Joshua graduated from American University with degrees in C.L.E.G. (Communication, Legal Institutions, Economics, and Government) and Public Communication. His research focuses on methods of promoting innovative and emerging technologies as a means of improving the economy and quality of life.

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Written Testimony of Ronald E. Wheeler Jr.
President of the American Association of Law Libraries
On Funding for the Government Publishing Office and Library of Congress
To the House Committee on Appropriations Subcommittee on Legislative Branch
For the Record
May 3, 2017

Dear Chairman Yoder, Ranking Member Ryan, and Members of the Subcommittee:

Thank you for the opportunity to submit written testimony in support of two key federal institutions funded by the Legislative Branch Appropriations Subcommittee: the Government Publishing Office (GPO) and the Library of Congress (LC). The American Association of Law Libraries (AALL) works closely with these agencies to support their missions, and our members rely on their leadership in providing access to and preservation of legal information and other materials.

AALL is the only national association dedicated to the legal information profession and its professionals. Founded in 1906 on the belief that people—lawyers, judges, students, and the public—need timely access to relevant legal information to make sound legal arguments and wise legal decisions, its nearly 4,500 members are problem solvers of the highest order. AALL fosters the profession by offering its members knowledge, leadership, and community that make the whole legal system stronger.

Under the leadership of GPO Director Davita Vance-Cooks and Librarian of Congress Carla D. Hayden, GPO and LC are transforming themselves into modern agencies for the digital world. We urge members of the Subcommittee to support the agencies' Fiscal Year 2018 budget requests in full.

Government Publishing Office

The Government Publishing Office produces, authenticates, disseminates, and preserves government information in multiple formats from all three branches of government. We urge the Subcommittee to fully fund each account within GPO's request.

The Congressional Publishing request will ensure support for the publication of Congressional materials, which law libraries use to provide access to trustworthy legal information in print and online. Some users, such as law professors, students, self-represented litigants, and members of the public prefer the print for its ease of use and the ability to skim the index and flip to specific pages. Thus, the nearly 200 law libraries in the Federal Depository Library Program (FDLP) must continue to have the option of receiving these materials in print.

The Public Information Programs account supports the centuries' old FDLP. FDLP libraries, including those in your districts, provide geographically convenient access to government information from all three branches of government in print and online. We are pleased with GPO's efforts to introduce greater flexibility into the depository program to allow more libraries to participate or continue their participation. As we note above, many law libraries continue to rely on GPO for distribution of specific tangible materials, especially core legal titles in print.

We appreciate GPO's recent digitization initiatives and partnerships with the Library of Congress and National Archives and Records Administration. The digitization projects provide access to the historical Federal Register and Congressional Record, opening up a treasure for researchers and the general public. We urge the Committee to support additional digitization projects and the preservation of documents in the FDLP collection. We also commend GPO for actively participating in the House's Bulk Data Task Force and the Committee on House Administration's annual Legislative Data Transparency Conference.

AALL supports GPO's request for funding for the development of govinfo.gov, currently in beta. Every day, AALL members rely on access to the official, authentic government information in the new govinfo and in the Federal Digital System (FDsys), which govinfo will eventually replace. We appreciate the inclusive process GPO took in involving law librarians in the development of govinfo, and our members are pleased with the new site. We also support GPO's efforts seek certification of FDsys/govinfo as a Trusted Digital Repository. Once certification is complete, GPO will be first federal agency with this designation

Library of Congress

The Library of Congress has enjoyed increased public attention this year under the leadership of new Librarian of Congress Carla D. Hayden. Thanks to Dr. Hayden's leadership, the Library is investing in its technology, digitizing historically significant collections, and updating the Library's technology infrastructure. We strongly urge the Committee to fully fund the Library's Fiscal Year 2018 request.

Our association was pleased to welcome new Law Librarian of Congress Jane Sánchez earlier this year. Members of AALL know Ms. Sánchez from her many years in the library community, including as director of Library Services and Content Management at GPO. We believe Ms. Sánchez is well-suited for the Law Librarian position and look forward to working with her in her new role.

The Law Library of Congress is responsible for providing access to trustworthy legal materials in print and electronic formats. Its collections are exceptional, and must be preserved. In fact, 70 percent of the Law Library's collection is unique. We thank this Committee for its support for Law Library compact shelving as part of the Fiscal Year 2017 omnibus bill. The replacement of the outdated and dangerous shelving has been a priority for both the Law Library and AALL because if the Library's compact shelving is not working properly, then materials cannot be accessed and there's a greater chance of loss.

We commend the Library for its development of Congress.gov. The Law Library has recently expanded the number of legal resources available via Congress.gov, and has seen a tremendous jump in traffic. AALL believes this demonstrates the public's interest in accessing official, authoritative sources of government information. We also support the Law Library's digitization efforts and work to provide greater access to legal materials online.

Finally, we support the excellent work of the Congressional Research Service (CRS), and urge Congress to provide public access to the unclassified, non-confidential reports. The public has a strong interest in CRS reports. Many organizations and websites already make thousands of reports freely available online, and commercial third-party services offer the reports for a fee. The popularity of these sites demonstrates the public's wish for access to these essential reports. Members of the public need access to up-to-date, reliable information in order to understand the

important policy issues before Congress and participate in the democratic process. We do not believe public access to CRS reports would have a negative impact on the agency. We support the oral testimonies provided by Daniel Schuman of Demand Progress and Kevin Kosar of R Street Institute before your Subcommittee today.

Conclusion

AALL thanks the Subcommittee for the opportunity to provide written testimony. If we can provide additional information or assistance, please contact AALL's Director of Government Relations Emily Feltren at efeltren@aall.org or 312.205.8010.

Sincerely,

Ronald E. Wheeler Jr.
President
American Association of Law Libraries

Witness Disclosure Form

Clause 2(g) of rule XI of the Rules of the House of Representatives requires non-governmental witnesses to disclose to the Committee the following information. A non-governmental witness is any witness appearing on behalf of himself/herself or on behalf of an organization other than a federal agency, or a state, local or tribal government.

Your Name, Business Address, and Telephone Number:

Ronald E. Wheeler Jr
President, American Association of Law Libraries
Director of the Fineman and Pappas Law Libraries and Associate Professor of Law and Legal Research
Boston University School of Law, Suite 304
765 Commonwealth Ave., Boston, MA 02215
Phone: (617)358-3044

1. Are you appearing on behalf of yourself or a non-governmental organization? Please list organization(s) you are representing.

   American Association of Law Libraries

2. Have you or any organization you are representing received any Federal grants or contracts (including any subgrants or subcontracts) since October 1, 2012 related to the agencies or programs funded by the Subcommittee?

   Yes No

3. Have you or any organization you are representing received any contracts or payments originating with a foreign government since October 1, 2012 related to the agencies or programs funded by the Subcommittee?

   Yes No

4. If your response to question #2 and/or #3 is "Yes", please list the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof), and/or the amount and country of origin of any payment or contract originating with a foreign government. Please also indicate whether the recipient was you or the organization(s) you are representing.

Signature: Ronald E. Wheeler Date: May 3, 2017

105 West Adams Street, Suite 3300
Chicago, IL 60603
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www.aallnet.org

Ronald E. Wheeler Jr.
Biography

Ronald Wheeler currently serves as president of the American Association of Law Libraries (AALL), becoming the first African-American male president of AALL. He is a member of the Law Librarians of New England (LLNE), serves on the executive board of the New England Law Library Consortium (NELLCO), and is a member of the Editorial Board of the Legal Information Review.

Director Wheeler is a recognized leader in the area of legal research instruction. He has served in various law library management roles at law schools across the country, including Suffolk University Law School, the University of San Francisco School of Law, Georgia State University College of Law, and the University of New Mexico School of Law.

Director Wheeler's scholarship focusing on legal research techniques, legal research instruction, and algorithm-driven search engines has gained him national attention, and he is regularly called upon to speak about innovations in teaching and other legal research-related topics. He is also a well-known author and speaker about issues related to law library management and the role of the law library in legal education. Wheeler pens Diversity Dialogues, a regular feature in Law Library Journal which aims to engage scholarly conversation on issues of diversity and inclusion in librarianship and the legal profession. In 2014, Wheeler was named to the Lawyers of Color "50 under 50" list of minority attorneys making an impact on legal education.

25 Preservation Technologies

Celebrating 25 Years
1992-2017

April 28, 2017

www.ptlp.com

The Honorable Kevin Yoder
Chairman, Subcommittee on Legislative Branch Appropriations
U.S. Capitol, HT-2
Washington D.C., 20515

The Honorable Timothy Ryan
Ranking Member, Subcommittee on Legislative Branch Appropriations
U.S. Capitol, HT-2
Washington D.C., 20515

Dear Chairman Yoder and Ranking Member Ryan:

As CEO of Preservation Technologies, L.P., in Cranberry Township, Pennsylvania, I wish to thank you for the opportunity to submit testimony to the Subcommittee on Legislative Branch Appropriations. We are proud to recognize that 2017 is our 25th year of working with the Library of Congress (Library) to develop and then implement mass deacidification technology to preserve its unique collection of books and important historical documents.

I write to offer my strongest support for the Library of Congress's effort to preserve the Library's collections through the Mass Deacidification program. I am grateful for the Subcommittee's long track record of providing significant and substantial funding for this program, which is critically important to the Library's preservation efforts. For several fiscal years, the Subcommittee has allocated $5,500,000 to treat 200,000 books and 1 million manuscript pages. Continuing such a program will allow the Library to treat the remaining 3.1 million acidic volumes it has identified on the timeline initially developed back in 2001. It is not often a program of such length can be said to be on-time and on-budget.

I am deeply concerned by two (2) developments within the mass deacidification program: 1) the Library has already implemented an effort to reduce the number of books treated annually to below 200,000 books for FY16 and FY17, and 2) the Library has allocated a portion of FY16 funds specifically appropriated for mass deacidification toward the cataloging of alkaline volumes, an activity unrelated to preservation of the collections. Moreover, the Library submitted FY17 written testimony to the Subcommittee that it may seek to deacidify as few as 100,000 volumes annually in the near future. The reduction in treatment levels and the re-allocation of funds will undoubtedly increase short-term and long-term costs to the taxpayer and simultaneously jeopardize countless books for risk of loss if not treated.

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Cranberry Township, PA 16066
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1 (724) 779.9808 Fax

Washington, D.C.
Canada
Japan
Korea
Poland

Russia
South Africa
Spain
The Netherlands

In March, 2016, Congressman Mike Kelly (R-PA) and Congressman Mike Doyle (D-PA) wrote the Subcommittee to consider an increase in FY17 deacidification funding to $6,621,000 to treat 275,000 books and 1 million manuscript pages. It is my understanding Congressman Kelly has made a similar request for FY18. We know budget dollars are tight, but such a request for a modest increase makes fiscal sense and is based on sound library science. A sustained effort at that level would save thousands of books from loss and save the taxpayer $12,000,000 over the life of the program. The Library's plan to slow down the program adds significant costs in the long term and is very detrimental to the viability of its collections. I would respectfully request the Subcommittee consider an increase in funds for the program beginning in FY18, if possible. At a minimum, I would request the Subcommittee direct the Library to dedicate the entirety of FY17 funds (and future funds) to the treatment of acidic books and manuscript pages to finish the program on-time while minimizing the risk of loss for volumes in the collection.

As I mentioned above, the Library chose to redirect a portion of the FY16 deacidification funds for cataloging alkaline books rather than for the treatment of acidic titles, contrary to House and Senate FY16 report language on the mass deacidification program, prior-year report language, and Congressional intent. The redirection of these funds has several negative impacts on the deacidification program: 1) the shifting of funds necessitates the treatment of fewer books annually, with levels now below 200,000 books; and 2) the shifting of funds increases the cost per book. Although originally intended as a multiyear project, it appears the alkaline book cataloging will be completed under the current contract ending in CY17. Hopefully all future deacidification funds will be used as directed by Congress for the preservation of the collections. If the Library has a requirement to catalog its alkaline collections or some other task, the Library should make a separate request for funding to do so, rather than cannibalize mass deacidification funds.

Mass deacidification remains the most affordable large-scale preservation technology for acidic materials. The Library should be applauded for leading the world in its deacidification efforts, and now is not the time to curtail or curb the program. National libraries around the globe seek to emulate the Library's deacidification program, with institutions in Japan, The Netherlands, Russia, South Korea, China, and Qatar all expected to begin or increase their deacidification programs within the next 24 months. Germany has continued its program for more than 25 years and still has approximately 60 million euro budgeted to deacidify their collections. Alternate approaches, such as cold storage, are considerably more expensive in construction, maintenance, and continuing energy costs, and are only 50% as effective. Even Nordic countries such as Sweden and Finland that use natural cold storage for some materials are now planning deacidification programs.

Celebrating 25 Years
1992-2017

As another indication of how the rest of the world looks to the Library of Congress, we have found growing interest for preservation products and services in Europe, Asia, Africa, the Middle East, and now South America, as well. Later this spring we will be awarded the President's "E"-Award for Exports from the Commerce Department in recognition of our growing export efforts relating to preservation of collections world-wide.

In closing, I wish to thank the Subcommittee, once again, for the opportunity to voice my support for the deacidification program and raise concerns about the allocation of funds for other purposes that increase costs and put books at risk of loss. In order to minimize the cost and maximize the benefits of this project, I respectfully request the Subcommittee to work with its Senate counterparts to issue language to direct that deacidification funds should not be used for other Library purposes. To the extent possible, Congress should increase annual funding, and the Library should commit to treating no less than 200,000 books and 1 million manuscript pages annually.

With Sincere Appreciation,

James E. Burd
President & CEO

Witness Disclosure Form

Clause 2(g) of rule XI of the Rules of the House of Representatives requires non-governmental witnesses to disclose to the Committee the following information. A non-governmental witness is any witness appearing on behalf of himself/herself or on behalf of an organization other than a federal agency, or a state, local or tribal government.

Your Name, Business Address, and Telephone Number:

James E. Burd
Preservation Technologies, L.P. 111 Thomson Park Drive Cranberry Township, PA 16066

724-779-2111 office
724-766-1650 cell

1. Are you appearing on behalf of yourself or a non-governmental organization? Please list organization(s) you are representing.

   Representing Preservation Technologies, L.P.

2. Have you or any organization you are representing received any Federal grants or contracts (including any subgrants or subcontracts) since October 1, 2012 related to the agencies or programs funded by the Subcommittee?

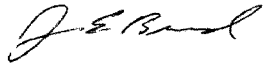
   (Yes) No

3. Have you or any organization you are representing received any contracts or payments originating with a foreign government since October 1, 2012 related to the agencies or programs funded by the Subcommittee?

   Yes (No)

4. If your response to question #2 and/or #3 is "Yes", please list the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof), and/or the amount and country of origin of any payment or contract originating with a foreign government. Please also indicate whether the recipient was you or the organization(s) you are representing.

   See attached.

Signature: 

Date: April 28, 2017

Preservation Technologies

Summary of contracts – Mass Deacidification Services for Library of Congress

1. 06/01/2013 - $5,338,872 for Mass Deacidification Services for Library of Congress.
2. 06/01/2014 - $5,671,048 for Mass Deacidification Services for Library of Congress.
3. 06/01/2015 - $5,500,000 for Mass Deacidification Services for Library of Congress.
4. 06/01/2016 - $5,500,000 for Mass Deacidification Services for Library of Congress.

April 28, 2017

James Burd is the President and CEO of Preservation Technologies, L.P. with headquarters in Cranberry Township, PA. He joined the company in 1996. Prior to then he was a founder and VP of Engineering for ChemTech Consultants, Inc. (Pittsburgh) for 8 years and a Manager of Engineering for Koppers Company (Pittsburgh) for 10 years. He holds a degree in Chemical Engineering from the University of Cincinnati and is a Registered Professional Engineer in Pennsylvania.

He is the developer of the Bookkeeper Mass Deacidification processing system and holds several patents for this work. He began this effort as a consultant in 1992 in conjunction with testing and specifications as developed by the Library of Congress. He served as a representative of the U.S. National Information Standards Organization (NISO) on theInternational Organization for Standardization (ISO) committee along with representatives from Germany, Switzerland, Poland, Austria, Czech Republic, France, Sweden, and the UK. This committee developed standards issued in 2015 for testing quality and effectiveness of mass deacidification processes. He has developed the international expansion of the company's mass deacidification operations with a subsidiary company in Japan and licensees in The Netherlands, Poland (2), and South Africa, with the newest operation scheduled for completion in Moscow, Russia in summer of 2016.

In May, 2017, the U.S. Department of Commerce will award Preservation Technologies the President's "E" Award for Exports.

Written Testimony for the Record
of
Susan Thaul, Ph.D.
President
Congressional Research Employees Association
Congressional Research Service, Library of Congress
to the
Subcommittee on the Legislative Branch
House Committee on Appropriations

for inclusion in the May 18, 2017 hearing record

I write as President of the union representing nearly 500 non-supervisory employees of the Congressional Research Service (CRS). The Congressional Research Employees Association (CREA) is one of three unions covering Library of Congress employees. My other role at the Library is as Specialist in Drug Safety and Effectiveness in the Domestic Social Policy Division, one of six research divisions, which, along with five administrative offices, make up the Congressional Research Service.

In my 15-month tenure in office, I have worked to build trust between CREA and three key groups: bargaining unit employees, CRS management, and Library management. My work at building those relationships with congressional committees and their staff is in its early stage. I look forward to sharing CREA's concerns with you—and learning yours. My hope is that we can explore approaches to resolving or avoiding obstacles that impede the functioning of CRS and the Library. Thank you for accepting this testimony for the record.

In the context of this subcommittee's focus on FY2018 appropriations, I offer comments on four topics:

- IT centralization across the Library,
- involvement of staff in CRS and Library policy consideration,
- workplace concerns, and
- CRS mission.

IT Centralization

A time-sensitive topic is how the Library is going about its move into information technology (IT) centralization. We do not necessarily oppose centralization; we have concerns about how it might be structured.

What prompts our concern is that while CREA has proposed including non-management perspectives and interests in the Library's initiative to centralize IT resources, authority, and operations, the Library's Chief Information Officer (CIO) and Human Resources Services management, which includes labor relations, have denied our requests.

The Library has contracted with a consultant to recommend several centralized organizational structures. Because that report may strongly influence management's decisions, we believe employee union access to the consultant is essential. The Library has denied the unions access to the consultant and to internal planning discussions.

My hope in bringing our concerns to the subcommittee is that you encourage the Librarian and the Chief Information Officer to

- engage with non-supervisory employees as they assess how best to centralize responsibility for the effective and efficient functioning of IT services for the Library and CRS in particular,
- inform employees (via their unions) which tasks the Library assigned to the contractor,
- modify the consultant's task assignment to include interviews with the three unions, and
- make sure that the contractor interviews managers (and non-managers) in a way that makes interviewees feel safe in expressing opinions that may not coincide with those of their supervisors.

The CRS Office of Information Management and Technology provides seemingly instant help for CRS employees whose work directly supports Congress—a level of timeliness not available to other Library units. Although leadership says mission-critical activities would be maintained, would a centralized management lead to an averaging of resources and attention across Library units? Even if Library management didn't take resources away from CRS, would it allow CRS's technological abilities growth to stagnate while Library management concentrated on improving IT in other units?

I've been told that CRS uses different platforms and programs than the rest of the Library. Although there may be instances where consolidating work or functions makes sense, there are many others where CRS has developed approaches that serve the mission-specific needs that Congress expects and requires of us, including confidentiality, security, and timeliness. Who would be responsible for protecting that?

Involvement of Staff in CRS and Library Policy Consideration

In addition to IT centralization, the Library and CRS are missing other opportunities to take advantage of the expertise and policy experience that Members and committee of Congress rely on every day: CRS's own staff.

If a congressional committee wanted to figure out the best way to reorganize a cabinet department, it could call the CRS experts in the Government & Finance Division; if planning a program to coordinate emergency services and financing after a natural disaster, a Member could call the CRS experts in my Domestic Social Policy Division. Yet the Library and CRS have been slow to engage their own experts and the union that represents them in policy considerations.

A CRS example: When CRS revised its policy on confidentiality in 2015, it issued the final version without first discussing the objectives and procedures with the staff who respond to congressional requests and protect the confidentiality of requesters and the matters that we discuss with them. The objectives of the policy—which I believe we share—may be endangered

by procedures and restrictions that do not serve the interests of Congress. After over a year of discussing this disconnect between CRS management and the practical knowledge of the employees who do the work the policies address, CRS management and CREA are now moving into a better approach. While bargaining unit employees are still not included in policy working groups, CRS now posts its final drafts and invites comments from all staff. I hope this approach yields final policy documents that put forth not only appropriate goals but also feasible procedures that support them.

A Library example: This week nine "tiger teams" began work as part of the Library's strategic planning activities. The Library did not invite the unions to participate. Neither did it inform us of this activity. Did the Librarian's Office choose to not include the unions? Or did it not even think to consider our participation?

We like that the Librarian routinely gives kudos to the Library's staff. Now, we are ready to share our ideas and energy with her and her leadership team.

Workplace Concerns

Although CRS came out well on many measures in the most recent Federal Employees Viewpoint Survey (FEVS), the survey also revealed several areas where CRS staff saw problems and wanted change. The CRS Director has taken some steps—such as setting up advisory groups—to address widespread concerns about communication and diversity and inclusion.

However, she has not engaged in areas that, based on reports from staff and our own observations, CREA knows there are pockets extreme discontent within CRS. We were hoping that FEVS data could corroborate those problems so that management and CREA could work to improve employee morale and repair the group's functioning. We see how those problems impede CRS's ability to provide Congress with objective, authoritative, and timely analysis. Despite our concerns, CRS management has refused to share division-specific results with staff or CREA.

Would the subcommittee please consider urging CRS to provide division-specific FEVS results to CREA? That tool, while maintaining individual employees' confidentiality, could help us—and CRS—focus on these problems.

CRS Mission

In the Library's FY2018 budget request, CRS proposes hiring GS-11 "junior analysts" in time-limited positions, saying, "The junior analyst model is more flexible and cost-effective in providing expertise in areas that may only be in demand for a short period of time. The junior analysts would gain experience that may result in opportunities for permanent positions should they arise from attrition and succession planning."

The CRS tradition—backed by many Congresses—has been to provide comprehensive information and analytic support to Members and committees. Our GS-15 specialist positions assert one is "a national expert." We may "apply new hypotheses and concepts to intractable

problems; define or clarify issues; synthesize complex variables from several disciplines; assess political and institutional constraints; organize and present policy options and analyze their consequences; and anticipate the direction of policy questions." That's quite a skill set.

Two recent trends—the retirement of our specialists and budget constraints—are, bit by bit, limiting the scope and depth of CRS expertise. The CRS proposal for the new position of temporary junior analyst is an attempt to find new ways to respond to congressional needs. That may help in the short term. But it moves the full coverage that Congress has enjoyed and expected farther out of reach each year.

The CRS proposal would change the promotion potential of new hires and change the mix of staff. We do not want to defensively oppose a management proposal because it might adversely affect some of our bargaining unit members. We note, however, that Congress has appreciated and depended upon the wide-ranging and in-depth expertise CRS staff make available. How do we find ways to maintain that cadre of expertise and experience in just about every area Congress considers?

We in CREA want to analyze the problem, consider the solution management has put forth, and, using the skills for which you value us, look for options that best serve the needs of all involved. Just as a congressional committee LA talks to industry, academic, and consumer groups in forming a position, so too does CREA suggest CRS do as it considers staffing patterns. Our mid-level managers may contribute useful observations, but many not know the extent or rhythm of how we assist Congress. Ask us.

If you are working with the Library and CRS leadership to tackle questions of scope, quality, and cost in the future of CRS, I ask that you include CREA in those discussions. If you are not currently working on those topics, I urge you to begin and to include CREA.

Thank you for this opportunity to offer my thoughts. I, along with my CREA officer team, look forward to constructive conversations with CRS, the Library, and you.

Susan Thaul, Ph.D.
President
Congressional Research Employees Association (IFPTE Local 75)
Congressional Research Service, Library of Congress
101 Independence Avenue SE, Washington, DC 20540
Thaul—(202) 707-0562, sthaul@crs.loc.gov
CREA—(202) 707-7636, crea@crs.loc.gov

Susan Thaul, Ph.D.

Susan Thaul has served as President of the Congressional Research Employees Association (CREA) since February 2016. Working at the Congressional Research Service as Specialist in Drug Safety and Effectiveness, her portfolio includes drug development and approval, postmarket safety studies and surveillance, drug importation, pharmaceutical promotion to consumers and health professionals, FDA appropriations, and regulatory science. Before joining CRS in 2002, Dr. Thaul worked at the Institute of Medicine of the National Academies, the Senate Committee on Veterans' Affairs, the National Center for Health Services Research (now AHRQ), the Harlem Hospital Prevention of Prematurity Project, and the NYC Health and Hospitals Corporation. She earned a Ph.D. in epidemiology from Columbia University and an M.S. in health policy and management from the Harvard School of Public Health.

Congressional Research Employees Association
Congressional Research Service, Library of Congress

The Congressional Research Employees Association (CREA) is a non-profit organization that officially represents nearly 500 CRS professionals and staff who provide direct and indirect service to Congress. CREA is led by elected employee volunteers. The organization is authorized to engage in collective bargaining with CRS and the Library regarding workplace conditions, focusing especially on the quality and fairness of our workplace and matters that may enhance or hinder efforts of employees to provide effective service to Congress.

CREA seeks to ensure that the perspectives of employees are solicited, heard, and considered when administrators and managers evaluate how to serve Congress. In this way, CREA presents the perspective, collective voice, and deep expertise of CRS's employees. We negotiate for effective and fair policies, procedures, and practices that have direct implications for service to Congress.

CREA has represented CRS workers since 1976 and maintains one of the highest membership rates in the federal sector. CREA represents all workers in CRS—analysts, attorneys, clerical staff, information professionals, library technicians, and technical staff. Only supervisors, managers, and confidential employees are excluded.

CREA

Witness Disclosure Form

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Your Name, Business Address, and Telephone Number:

Susan Thayer
Congressional Research Employees Association (CREA)
Congressional Research Service, Library of Congress
101 Independence Avenue SE, Wash. DC 20540
(202) 707-7636

1. Are you appearing on behalf of yourself or a non-governmental organization? Please list organization(s) you are representing.

   CREA

2. Have you or any organization you are representing received any Federal grants or contracts (including any subgrants or subcontracts) since October 1, 2012 related to the agencies or programs funded by the Subcommittee?

   Yes (No)

3. Have you or any organization you are representing received any contracts or payments originating with a foreign government since October 1, 2012 related to the agencies or programs funded by the Subcommittee?

   Yes (No)

4. If your response to question #2 and/or #3 is "Yes", please list the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof), and/or the amount and country of origin of any payment or contract originating with a foreign government. Please also indicate whether the recipient was you or the organization(s) you are representing.

Signature: [signature] Date: 6/9/2017

WEDNESDAY, MAY 17, 2017.

U.S. HOUSE OF REPRESENTATIVES

WITNESSES

HON. KAREN L. HAAS, CLERK, HOUSE OF REPRESENTATIVES

HON. PAUL D. IRVING, SERGEANT AT ARMS, HOUSE OF REPRESENTATIVES

HON. PHILIP G. KIKO, CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES

OPENING STATEMENT OF CHAIRMAN YODER

Mr. YODER. The hearing is now called to order. Welcome, everybody. I appreciate your attendance at today's hearing. We have a full house today, which shows the importance and value that we place on the work of the Subcommittee in making smart determinations about funding and operations of the House and Legislative Branch.

Before we move on to today's business, I want to recognize the absence of our colleague and committee member Congressman Dan Newhouse from Washington. We are all saddened by the news of his wife Carol's passing. Dan is a valued member of this Committee, and we wish him and his family well. I would ask that we have just a brief moment of silence for our friend and colleague and his family for their loss.

Today, we begin our budget justification hearings for Fiscal Year 2018. And, I would like to welcome my esteemed colleague from Ohio, Ranking Member Ryan, along with other members of the Subcommittee, as we start the process of reviewing, considering, and ultimately producing a legislative branch appropriation bill that satisfies the requirements of our agencies while at the same time balancing the fiscal realities of the current budget environment.

I know difficult decisions will need to be made and not every increase will be able to be accommodated, but it is our job to scrutinize the requests presented to us. And, I look forward to working with each member of the Subcommittee in doing so.

We will start this morning with considering the House of Representatives' Fiscal Year 2018 Request. And, I am excited to welcome the officers of the House to testify today: the Honorable Karen Haas, Clerk of the House; the Honorable Paul Irving, Sergeant at Arms; and the Honorable Phil Kiko, Chief Administrative Officer. I would like to thank each of them for their service to our country and to the Legislative Branch.

The Fiscal Year 2018 Budget Request for the House agencies is $1.223 billion, which is a 2.87-percent increase, or $34.1 million above currently enacted levels. Much of the work each of these offi-

cers does and their offices do on a daily basis is behind the scenes and, when done seamlessly, often goes unnoticed.

Collectively, they are responsible for the services that truly keep this place running, the IT network that allows us all to communicate, the financial system that pays our bills and meets our payroll, the voting system that helps authenticate the legislative process, the issuance of IDs and parking permits, just to name a few.

Without the services of these House officers, we could not carry out our constitutional duties as Members of Congress. Although the three of you probably like the fact that most of your operations are behind the scenes and go unnoticed, I want to take a moment to recognize the amazing work your organizations do and to thank the dedicated staff in each of your organizations. Thank you very much.

I look forward to working with each of you on the challenges facing us in Fiscal Year 2018.

And, with that, I would like to yield to Ranking Member Ryan for his opening statement.

OPENING STATEMENT OF RANKING MEMBER RYAN

Mr. RYAN. Thank you, Mr. Chairman.

And, thank you to our witnesses for being here today to discuss the House budget. We often call the House of Representatives the people's House, which says something important about this Chamber even if the phrase itself has become a cliche.

The men and women of our districts send us to Washington, DC, to be their voices and not to lose touch with what is going on at home. They expect us to use our experience and resources to make their lives better.

When our constituents think of the Congress, they think of me or think of the Chairman or the Members of this Committee, but in reality, it takes 10,000 employees to make the world of the House of Representatives run smoothly every day. From the Capitol Police, who ensure the safety of students on school trips, to the men and women who keep the cafeteria running, to the congressional staff who advise Members on legislative action of the week, the House is the home of thousands of employees who are looking to this Committee to ensure Congress is operating as efficiently and as effectively as possible. Doing this takes serious financial investments into the House and into its people.

We won't help anyone both here in DC or at home by shortchanging this important Chamber and nickel and diming our way and our ability to be effective. And let's be honest: I think there has been a lot of nickel and diming of ourselves in recent years. This has resulted in many valuable people leaving public service and many others not even considering coming to work here in response. And I think this is a shame, both as a Member of Congress and as a former congressional staffer. I can tell you that there is nothing more exciting than walking the halls of Congress and working to help the people of this great country and of our own individual congressional districts.

However, we also owe our constituents scrutiny of every dollar we spend, and we need to make sure we are putting money into the things that will most benefit the people in our districts. And,

the 2.87-percent increase that the House offices and officers are requesting for the next year isn't exactly a jaw-dropping figure, but we do have an obligation to ask the tough questions and see whether these requests reflect the right priorities.

I will just close by also thanking the staff in all of the offices represented here today, the CAO, the Clerk, Sergeant at Arms and the rest, who had to turn around an updated budget request almost immediately after the current year's spending bill was signed into law.

So I am glad we can get moving on next year's appropriations, Mr. Chairman, after taking 7 extra months this last year. So I thank everyone for being here, and I yield back.

CHAIRMAN OUTLINES PROCEEDINGS

Mr. YODER. Thank you, Mr. Ryan.

Do any other members wish to make an opening statement?

Seeing none, without any objection, the entire statements from each of you will be made part of the record. I ask that the Clerk, Sergeant at Arms, and Chief Administrative Officer summarize your remarks and highlight your efforts of the past year, and then we will open up the floor to questions.

Who would like to begin?

Karen, how about you?

CLERK OF THE HOUSE PROVIDES ABBREVIATED TESTIMONY

Ms. HAAS. Okay. Thank you.

Chairman Yoder, Ranking Member Ryan, and members of the Subcommittee, I appreciate the opportunity to testify before you regarding the operations of the Office of the Clerk and our Fiscal Year 2018 Budget Request. Thank you for providing the resources and guidance to allow us to continue to carry out our duties and responsibilities for the legislative and institutional operations of the House.

CLERK PROJECTS AND PROGRAMS

I would like to provide you with a brief update on projects that were mentioned previously as well as share our priorities for the upcoming year. Technical development and testing continues on the voting station upgrades to the electronic voting system. New cabling was installed in August of 2016, and we hope to install the new voting boxes in August of 2017. We are on an extremely tight schedule and may need another recess period if all testing is not completed in time.

Later this week, we will launch an alpha version of our new Clerk website to solicit feedback from internal users. We plan to release the website to the public next month. Between now and the end of the year, we will continue to work toward full deployment, which will enhance our effort to provide legislative data in a more transparent manner.

For Fiscal Year 2018, we will continue the effort required under the Comparative Print Rule to develop a tool that illustrates changes a bill is making to current law and also document-to-docu-

ment comparison between different versions of bill language. This was not a previously planned project but one that we welcome.

With the additional resources that already have been provided, we expect to make the December 31st deadline for implementation of this first phase. We would like to expand the capabilities of this tool in a second phase and have requested additional funding to do so.

THE FY2018 CLERK BUDGET REQUEST

Much of the increase to our Fiscal Year 2018 funding request is for the one-time purchase of equipment to allow us to transition to the Redstone Data Center. We are following the lead of the Chief Administrative Officer and expect to implement this move later this year.

We have also requested additional funding for redesign of the biographical directory. This is a searchable directory of Members of Congress from 1774 to the present, and it is the oldest website hosted on Congress.gov.

None of this work would be possible without the highly professional men and women that work in the Office of the Clerk. They strive everyday to provide innovative legislative services and to support the House while protecting the integrity and traditions of the institution.

We provide training opportunities for staff to maintain current skills and to develop new skills. Because many of our positions are highly specialized, we prioritize cross-training our team in order to ensure that we can maintain a high level of service to the House during unplanned events and vacancies.

Thank you for your support, and I am happy to answer any questions.

[The Clerk of the House prepared statement follows:]

OFFICE OF THE CLERK
UNITED STATES HOUSE OF REPRESENTATIVES

THE HONORABLE KAREN L. HAAS
CLERK OF THE HOUSE OF REPRESENTATIVES

STATEMENT BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON THE LEGISLATIVE BRANCH ON THE OFFICE OF THE CLERK, FY2018

MAY 17, 2017

Chairman Yoder and Ranking Member Ryan, Members of the Subcommittee: Thank you for the opportunity to testify regarding the operations of the Office of the Clerk.

HOUSE OPERATIONS

The Clerk's Office provides the procedural assistance and support necessary for the orderly conduct of the official business of the House of Representatives, its Members, and Committees. We work to ensure the integrity of the legislative process while continually seeking to improve public access to House and Committee proceedings.

Support for Legislative Proceedings

The Clerk's Office supports the legislative process from introduction to engrossment and presentment. The bill clerks process all bills and resolutions when they are introduced. The tally clerks record all Floor votes cast through the Electronic Voting System and manually in the Well of the House, maintain the *House Calendar*, and process all Committee reports filed with the House. The journal clerks produce the constitutionally mandated *Journal of the House of Representatives* and handle all Presidential Messages. When bills and resolutions pass the House, the enrolling clerks prepare the official text for transmission to the Senate or the White House. Along with their more visible duties of announcing pending business on the Floor, the reading clerks deliver bills and messages to the Senate. Our staff is hard at work whenever the House is in session—day or night—supporting the work of the House of Representatives.

In addition to supporting the House's Floor operations, the Clerk's Office is responsible for making the proceedings of the House easily accessible by the public and Members alike. The Clerk's Office hosts the publicly available website, *Bills to be Considered*, at docs.house.gov. This site is the central source for all legislation scheduled to be considered on the Floor each week.

Our staff maintains and updates the online summary of Floor proceedings, including information on pending legislation and votes taken, on our website at clerk.house.gov. The Clerk's Office also maintains live and archived video of all House Floor proceedings at HouseLive.gov and provides closed-captioning services to ensure that House proceedings are accessible to all. Our official reporters transcribe Floor debate from gavel to gavel. We provide these transcripts along with other legislative data to the Government Publishing Office, which makes them available the next day online and in print in the *Congressional Record*. The Clerk's Office also makes daily updates to the bill summary information hosted by the Library of Congress at Congress.gov.

Support for Committee Operations

In addition to supporting the legislative work of the House on the Floor, the Clerk's Office supports the work of House Committees. The official reporters provide reporting services for all Committee markups, hearings, and depositions as well as many investigative interviews. Whereas only one Committee in the 113th Congress was authorized to take depositions, all standing Committees in the 115th Congress are authorized to take depositions. This expanded deposition authority may create additional demand for reporting services.

The House Library provides research services for Committee and Member offices to assist legislative staff with their research needs. Last year the Library launched an electronic portal to provide comprehensive guides to legislative research topics. The portal offers a chat feature that allows D.C. and district office staff to communicate with House librarians during business hours. Our librarians also offer regular training through our partners in the House Learning Center.

Over the past two years, the Clerk's Office has made significant improvements to *Reports Due to Congress*, a document required to be published at the beginning of each session of Congress. This document lists all of the reports that any government agency is required by law to submit to Congress. We have added a new section listing reports with sunset provisions. The improved report will help Committees and Members comply with the Majority Leader's Floor protocols related to reporting requirements. We now link reports received to their corresponding statutory requirements, an enhancement that will greatly improve the Executive Communication search function on LIS.gov. We are working with our partners at the Library of Congress to move this search function from LIS.gov to Congress.gov in the fall with an improved interface and search capability.

The Clerk's Office develops and maintains the Committee Repository website at docs.house.gov. This centralized online portal enables the public to track hearing and markup schedules along with meeting notices, testimony, truth-in-testimony disclosures, opening statements, legislative text and amendments, and recorded votes. The House has made great progress in increasing the transparency of Committee proceedings and the Clerk's Office is proud to support that effort.

Support for Members

The Capitol Service Groups maintain the Lindy Claiborne Boggs Congressional Women's Reading Room, the Members and Family Committee Room, and the Congressional Prayer Room, which are near the House Chamber and provide Members and their families with spaces for rest and reflection.

The Office of House Employment Counsel provides House employing offices with legal counsel and training on employment matters, including family and medical leave, disabilities law, labor standards, workplace safety, and other matters arising under the Congressional Accountability Act.

Operation of Vacant Offices

Under the Rules of the House of Representatives, the Clerk becomes the employing and certifying authority when a vacancy occurs. The Clerk's Office has operated five vacant offices to date this Congress. When a vacancy occurs, we work with the remaining staff to continue the office's operations, carry out constituent services, ensure the integrity of the office's finances and assets, and arrange for the proper disposition of the office's papers. In addition, we immediately review the office's operations to identify costs and services that can be eliminated or curtailed.

ARCHIVES, ART, AND HISTORY OF THE HOUSE

The Office of Art and Archives within the Clerk's Office curates the House Collection of fine art and artifacts, processes House and Committee records and oversees their eventual safe transfer to the National Archives, advises Members on their congressional papers, and provides informational services concerning House's records, art, and history.

Archives

The Clerk's Office is responsible for preserving the House's archived records. Our professional archivists help Committees comply with their archival obligation and help Committees research and retrieve records in their archives. Last Congress we archived more than 2 million new records along with over a terabyte (1,144.5 gigabytes) of electronic records. In addition, archives staff retrieved 385,500 records from the legislative archives for Committees.

In 2016, the Clerk's Office launched a new Records Search feature on our History, Art & Archives website at history.house.gov. The feature showcases a selection of official House records that illustrate the institution's work, its responses to issues of the day, and its relationship with the public and other branches of government. We feature documents from all 50 states, as well as the District of Columbia and the territories, petitions and memorials, correspondence with Members, certificates of election, hearing transcripts, and maps and charts. We pair each record with a brief description that provides context and links to related material.

Art and History

The curatorial staff of the Clerk's Office are responsible for preserving the historical art and artifacts in the House collection and making the collection accessible to the public. A wealth of information is available about the House through our History, Art & Archives website. With sections on the Institution, People, Exhibitions, Collections, Oral History, Education, and Research, the website is a tremendous resource for the general public and educators.

Last month, thanks to the support of this Subcommittee, we opened an exhibition on the first floor of the Capitol marking the centennial of Jeannette Rankin's arrival as the first woman in Congress. To mark this milestone, the History, Art & Archives website includes significant entries on the history of women in Congress.

The Cannon renovations have required our curatorial staff to relocate many works of art from the Cannon building, including the largest painting in the House Collection and several busts that have not been moved in half a century. Our partners with the Architect of the Capitol and the Chief Administrative Office have been very supportive of our efforts to preserve, relocate, and store the artwork by providing staff, equipment, and funds in a timely manner.

PUBLIC DISCLOSURE SERVICES

By statute and the Rules of the House of Representatives, the Clerk's Office is charged with providing public disclosure information that helps preserve the integrity and increase the transparency of the legislative process. Our Legislative Resource Center manages the filing and retention of this information and responds to public inquiries regarding the legislative activities of the current Congress.

Financial Disclosure

The Clerk's Office administers the filing and public publishing of all financial disclosure forms and periodic transaction reports submitted by House Members, Officers, candidates, and senior House staff as well as disclosures filed by employees of the Capitol Police, Library of Congress, Government Publishing Office, Botanic Gardens, and Congressional Budget Office. We maintain the online filing system for these reports and work closely with the Ethics Committee to continue to improve both the filing system and public access to the records on our website.

Lobbying Disclosure

The Clerk's Office continues to enhance the lobbying disclosure filing system in coordination with the Secretary of the Senate, who shares responsibility for administering the filing requirements of the Lobbying Disclosure Act. We make these filings available online in a searchable, sortable, and downloadable format. To ensure compliance with the act, the Office emails reminders to approximately 14,000 registrants before the deadlines and sends follow-up notices after due dates. The Office also sends additional notifications throughout the filing period to keep users informed of filing requirements.

Online Telephone Directory

Last year, our organization released a beta version of the online telephone directory to the House community and the public at directory.house.gov. This mobile-friendly and searchable directory not only improves public access to House offices but also allows us to reduce the printing of House phonebooks. With further upgrades and the support of the congressional community, we will continue to reduce printing of this publication.

PRIORITIES AND BUDGET REQUEST FOR FISCAL YEAR 2018

We appreciate the Subcommittee's ongoing support for the operations of the Office of the Clerk. For the upcoming fiscal year, we respectfully request $28,421,000 to carry out our existing and new responsibilities to the House. This is a $2,153,000 increase, which includes funding for the Turner Redstone Data Center, the second phase of our implementation of the comparative print rule, and the purchase of a large capacity color printer. The following priorities are our most significant ongoing and upcoming projects.

Personnel and Training

The Clerk's Office continually evaluates training opportunities for our staff to ensure they align with our mission and goals. As some of our staff near retirement age, we continue to prioritize cross-training to manage changes that result when key personnel leave the organization. Our goal is to keep our exceptional employees motivated by strengthening current skills and helping them acquire new skills. We have established a thorough training plan process to further develop our workforce talent to be able to promote from within and to ensure personnel transitions do not disrupt our operations.

Website Redesign

The Clerk's Office will launch a redesigned website in 2017. The redesigned website will focus on legislative activities with a goal of bringing key legislative information and updates together in one place. We will also launch a new HouseLive, our streaming internet video service, which will add features such as video rewind and closed captioning search and integrate floor summaries into the live broadcast. While the look and feel of the website will be updated, the functionality and Application Program Interface (API) infrastructure supporting the website are the major enhancements. The APIs allow us to improve efficiencies and provide more modern access to data for internal House customers, other Legislative Branch customers, and the public in support of our transparency and accessibility efforts.

Electronic Voting Station Upgrade

The Clerk's Office is actively testing the next generation of electronic voting stations this year. A prototype voting station was delivered early this year. Our team is working with our vendor and performing comprehensive testing to confirm the reliability and dependability that is required. There is still a lot of engineering work and testing to do, but, if all goes well, we could deploy the new stations this year.

Comparative Print Implementation

The Clerk's Office is working with the Office of Legislative Counsel to improve and develop the systems necessary to comply with the new House rule on comparative prints. The new rule, which goes into effect on December 31, requires comparative prints showing proposed changes from current law prior to legislation being considered in the House. The systems we are developing will allow the House to comply with this rule by the end of the year and provide a future path for increased automation and improved usability. We have submitted requests to fund this unplanned project for fiscal year 2017 and 2018 to the Subcommittee.

Turner Redstone Data Center

The Clerk's Office plans to add data center operations in the new Turner Redstone Data Center later this year. We are currently working on a detailed implementation plan and coordinating our efforts with the Chief Administrator's Office.

Congressional Biographical Directory

Congressional Biographical Directory (BioGuide) is a searchable biographical directory of Members of Congress from 1774 to the present. Having launched in 1996, it is also the oldest website still hosted at Congress.gov. Along with the Office of the Historian and in consultation with our Senate partners, we are discussing a complete overhaul of the look, feel, and functionality of the BioGuide website.

Increased Storage for Congressional Records

The Center for Legislative Archives, part of the National Archives, maintains, preserves, and provides public access to archived House records pursuant to House Rules. However, the National Archives is running out of space for congressional records. Last year we secured suitable additional storage space at a Government Publishing Office facility and obtained funding for the initial phase of construction. We expect to occupy the new space in late 2018.

Lobbying Disclosure

We need to begin the process of developing an enhanced web-based lobbying disclosure system to provide the lobbying community with a better means to file individual and bulk reports. We aim to improve the administrative functions of the system to ensure robust filing statistics, search capabilities, and means to approve pending reports. By creating a unique lobbyist identifier, we will be able to synchronize House and Senate notification, approval, reporting, and referral efforts. This enhanced disclosure system is an item that remains on our priority list but continues to be pushed back due to the addition of unforeseen projects and other higher-priority projects.

On-Demand Printing

The Clerk's Office provides printed legislative materials for use on the House Floor and in Committee hearings and for distribution to congressional staff and the public. Our production printers are nearing the end of their lifecycle. New printers will be faster, have improved binding and finishing capabilities, and allow us to reduce our reliance on overstocking materials. Through the year and next, we will focus our efforts on shifting from a warehousing system to an on-demand print and delivery operation. With appropriate funding, we will implement this change in steps and would anticipate completion by fiscal year 2020.

Thank you again for the opportunity to testify.

Mr. YODER. Thank you.

SERGEANT AT ARMS ABBREVIATED TESTIMONY

We will go on with our testimony, and then we will take all the questions at the end.

So, Mr. Irving, how about you go next?

Mr. IRVING. Mr. Chairman, thank you. Good morning, Chairman Yoder, Ranking Member Ryan, and Members of the Committee. I appreciate the opportunity to appear before you to present the Sergeant at Arms' budget request for Fiscal Year 2018.

Before beginning, I would like to say that it is an honor to have the opportunity to serve the House of Representatives, and I look forward to working with you and other Members on this Committee.

SERGEANT AT ARMS PROJECTS AND PROGRAMS

The Office of the Sergeant at Arms is involved in a number of important new and ongoing projects, which I would like to highlight. With regard to Capitol campus security, the Garage Security Enhancement Project will address existing vulnerabilities and provide the greatly improved level of security in the House Office Buildings.

We are actively working with the Capitol Police and the Architect of the Capitol to minimize the impact of this project on Members, staff, and others who work in the House Office Buildings. I appreciate the Committee's support in bringing the House Office Buildings into the secure perimeter.

FY2018 SERGEANT AT ARMS BUDGET REQUEST

In addition to the garage security initiative, I have been prioritizing various other security enhancements to further augment our security posture. Carrying over from Fiscal Year 2017 to 2018, funding for the installation of an underground alarm around the perimeter of the Capitol building, to bolster the physical structure of the outer planters and the Olmsted wall, and to finance a study to upgrade the lighting on the East Capitol Plaza all will help to enhance the security coverage of the Capitol while maintaining the openness and park-like setting of the campus.

I am also requesting funding for a nominal increase in FTEs for the Office of the Sergeant at Arms to assist with support functions and to ensure greater service to Members and staff.

Additionally, my office implements a comprehensive Emergency Management Program, planning for the continuity of the operations at the House, and the safety of its Members, employees, and visitors.

This year, the House is unrolling the Joint Emergency Mass Notification System, or JEMNS, which enables mass notifications to House, Senate, Architect of the Capitol staff, and Capitol Police staff via multiple devices, such as phone, email, and text. However, our existing annunciator system will continue to serve as a backup to the new JEMNS system, and I am requesting funding for its lifecycle replacement.

Finally, as you are aware, my office maintains a strong, effective outreach program with Member offices regarding district office security. Two of our most successful initiatives have been the implementation of the Law Enforcement Coordinator Program and Mail Hoods in district offices. We also offer guidance on best practices, providing information on how to obtain a thorough security review and how to coordinate security surveys when requested.

For Fiscal Year 2018, I am proposing a physical security package for each district offices primary office, which will include a video intercom system and a duress alarm system. So, the staff will be able to readily monitor individuals accessing district office areas and have the ability to summon law enforcement quickly in the event of an emergency.

I am also proposing a Security Awareness Program for district office staff which will entail sending a team of security and law enforcement experts to travel to the congressional districts to provide hands-on training to staff to prepare them to effectively manage crowd control, coordinate security for events, and handle potentially threatening situations.

In closing, I would like to thank the Committee once again for the opportunity to appear before you. I would like to reiterate how grateful I am for the Committee's unyielding support as we strive to maintain the delicate balance between implementing strong security measures while simultaneously allowing free and open access to the Capitol complex.

I want to assure you of my deep commitment and that of the entire office to provide the highest quality of services to the House of Representatives while maintaining the safest and most secure environment possible.

As always, I will keep the Committee informed of my activities and will be happy to answer any questions you may have.

[The Sergeant at Arms' prepared statement follows:]

Office of the Sergeant at Arms
Fiscal Year 2018 Budget Submission

Statement of the Honorable Paul D. Irving
Sergeant at Arms
U.S. House of Representatives
Before
The Subcommittee on Legislative Branch
Committee on Appropriations

Good morning Mr. Chairman, Ranking Member Ryan, and members of the Committee. I appreciate the opportunity to appear before you to present the Sergeant at Arms budget request for fiscal year 2018. Before beginning, I would like to say that it is truly an honor to have an opportunity to serve this institution, and I look forward to continuing to work with you and the other members of this Committee as the year progresses.

As you know, the Office of the Sergeant at Arms provides security, safety and protocol services to Members, Committees and the staff who serve them. To accomplish our mission, we have an extremely dedicated team whose diverse strengths provide the highest level of professionalism and expertise in each of our divisions: Police Services and Law Enforcement, Protocol and Chamber Operations, Parking Security, House Security, Information and Identification Services, and Emergency Management.

As Sergeant at Arms, I am responsible for all security matters which relate to the House of Representatives. I serve as a member of the U.S. Capitol Police Board, which oversees the U.S. Capitol Police (USCP) and establishes policies and guidelines to protect the Capitol complex and its occupants. The Capitol Police Board is a statutorily created, bicameral, non-partisan board of directors comprised of the House and Senate Sergeants at Arms, the Architect of the Capitol (AOC), and the Chief of Police. I work closely with the Board to support the USCP in its mission to protect and serve the Capitol community, proactively seeking to implement new security initiatives and to stay ahead of new and emerging threats.

At the beginning of each day, I receive real-time intelligence information providing an overview of campus-wide, local, national, and international events which may have an impact on the safety and security of the House of Representatives. These events include identified criminal activities, threats to Members of Congress, families, and staff, as well as those events and information that might be more closely associated with terrorism and other potentially disruptive activities and actions.

All of this information is gleaned from a variety of sources and through partnerships with federal, state, and local intelligence and law enforcement agencies. In addition to these law enforcement relationships, a critical component of our intelligence network is the USCP Liaison Agent Program, wherein USCP agents are assigned to the various law enforcement task forces, such as the FBI's National Joint Terrorism Task Force, the FBI Washington Field Office Joint Terrorism Task Force, the Secret Service Electronic Crimes Task Force, as well as other law enforcement and intelligence liaison assignments.

These resources and efforts in intelligence-gathering assist me in evaluating security countermeasures in the context of new and emerging threats, thus providing a more secure environment, both for allowing the House to conduct its business and also for allowing visitors to safely view and participate in the legislative process of government. I want to assure the committee that I utilize all sources of intelligence and carefully evaluate and balance the security posture of the House of Representatives with the effects that any new security protocol may have on the business process of this institution. I appreciate the support I have received from the Committee as I strive to maintain the balance of security and accessibility.

The Office of the Sergeant at Arms is involved in a number of important new and ongoing projects which I would like to highlight. As you are aware, my office maintains a strong, effective outreach program with Member offices regarding District Office security. Two of our most successful initiatives have been the implementation of mail hoods in the District Offices and our Law Enforcement Coordinator program. We also offer guidance on best practices, providing information on how to obtain a thorough security review and how to coordinate

security surveys when requested. For FY18, I am proposing a physical security package for each District's primary office, which will include a duress system and a video intercom system, so that staff may be able to more readily monitor individuals accessing the District Office area and have the ability to summon law enforcement quickly in the event of an emergency. Additionally, I am proposing a security awareness program for District Office staff, which will entail sending a team of security and law enforcement experts to travel to Congressional Districts to provide hands-on training to staff to prepare them to effectively to manage crowd control, coordinate security for events, and handle potential threat situations.

I am also requesting funding for a nominal increase in FTE for the Office of the Sergeant at Arms. New FTE in the Division of Emergency Management will provide support to the emergency preparedness, operations, and planning efforts of the office and will also focus on emergency preparedness training specifically tailored to Member and Committee Offices. These FTE will also reduce our reliance on contracting services. Additional FTE in the Division of Protocol and Chamber Operations will assist in the enforcement of policies and procedures related to House Floor access and ensure greater service to Members and staff on the Floor. FTE in the Division of House Security will staff the Sensitive Compartmented Information Facility (SCIF) located in the Rayburn Building, which is available to all Member offices and Committees. SCIF personnel control access, monitor classified briefings, perform administrative tasks necessary to ensure the integrity of the SCIF, and serve as the recipient of classified information from various intelligence agencies. Our Division of Information Services FTE request will provide database expertise and will ensure the various systems the Sergeant at Arms uses remain operational and efficient. In addition, this FTE will provide desktop and technical support to all Sergeant at Arms staff. In the Division of House Garages and Parking Security, new FTE will provide a consistent presence on all lots and garages and will provide House staff with parking availability during the renovation of the Rayburn Garage and the transition of the O'Neill House Office Building. The remaining FTE will assist with the increased duties and responsibilities relating to the acquisition of the O'Neill HOB and will enhance my office's ability to staff the O'Neill service center to provide security guidance for House staff working in that building. These FTE will be essential in coordinating with the USCP regarding all security

initiatives for the O'Neill HOB and collaborating with the USCP in maintaining, upgrading, and unifying the security systems of the building (such as cameras, prox cards, and alarms).

Employees of the Sergeant at Arms are our greatest asset and will continue to support numerous special events in the upcoming year, including the State of the Union Address and any addresses to Joint Meetings of Congress by foreign heads of state, as well as CODEL travel, off-site issues retreats, honorary ceremonies, the holiday concerts, and other activities.

The Office of the Sergeant at Arms is working on a number of ongoing projects, the continuation of which would not be possible without the shared commitment and support of this Committee. The Garage Security Enhancement project is continuing to address existing vulnerabilities and provide a greatly improved level of security in the House Office Buildings. This project is designed to move the entire Capitol complex closer to 100% screening by bringing the House Office Buildings into the secure perimeter and in line with the Senate Office Buildings and the Capitol. I am actively working with the USCP and AOC to minimize the inconvenience and impact of this project on Members, staff, and others who work in the House Office Buildings. I appreciate the Committee's support in bringing the House Office Buildings into our secure perimeter.

The next portion of the project will be the build out of selected elevator lobbies to accommodate the screening equipment in the Rayburn Garage, dedicating certain elevators to access the screening areas into the building, and repurposing other areas of the garage as support office and storage space. The objective of this phase is to maintain an organized garage with ease of traffic flow and a smooth transition from unscreened to screened areas.

In addition to the Garage Security Initiative, I have also been prioritizing various security enhancements to further augment our security posture. Carrying over from FY17 into FY18, funding to install an underground alarm around the perimeter of the Capitol building, to bolster the physical structure of the outer planters and the Olmsted wall, and to finance a study to upgrade the lighting on the Capitol East Plaza will help to enhance the security coverage of the

Capitol, while maintaining the openness and park-like setting of the grounds.

Additionally, my office implements a comprehensive Emergency Management Program for the House of Representatives, planning for the continuity of operations of the House and the safety of House Members, employees and visitors during emergencies. As part of our emergency preparedness strategy, my office oversees planning, training and exercises - including notifications, evacuations, and shelter-in-place activities - to ensure readiness to respond to a variety of emergency scenarios affecting the House. This year, the House is unrolling the Joint Emergency Mass Notification System (JEMNS), which enables mass emergency notification to be sent to House, Senate, AOC and USCP staff via multiple devices (e.g. phone, email, text) using a single interface. The annunciator system will continue to serve as a backup to the new JEMNS system, and we are requesting funds for its lifecycle replacement.

Non-personnel expenses for FY18 will continue to support travel, for which funding is primarily required for the advance and support of large scale off-campus events involving Members of Congress. Funding will also provide job-specific training for Sergeant at Arms staff in the areas of threat mitigation, force protection, counterterrorism, emergency preparedness, response and recovery, and Chamber and Gallery operations. Telecommunications funding will support telephone, cell phone, air cards and wireless service for all divisions of the Sergeant at Arms. Printing funding will support general printing needs as well as the preparation of emergency training materials. Supplies and materials funding will be utilized for the purchase of office supplies, ID supplies, and parking security uniforms. Finally, general equipment funding is requested for the life-cycle replacement of PC's, software systems, laptops, wireless devices and cellphones.

The FY 2018 Sergeant at Arms budget request has been prepared in the spirit of zero-based budgeting – without jeopardizing mission-critical services provided to the House community. In order to fund on-going efforts, the Office of the Sergeant at Arms requests **$18,076,000** for fiscal year 2018. This includes **$11,104,000** for personnel expenses and $**6,972,000** for non-personnel items.

In closing, I would like to thank the Committee once again for the opportunity to appear before you. I would like to reiterate how grateful I am for the Committee's unyielding support as we strive to maintain the delicate balance between implementing strong security measures while simultaneously allowing free and open access to the Capitol complex. I want to assure you of my deep commitment – and that of my entire office – to providing the highest quality services for the House of Representatives and maintaining the safest and most secure environment possible. We remain vigilant and focused on security and preparedness, striving to adhere to the strict level of fiscal responsibility entrusted to us by the House of Representatives.

As always, I will keep the Committee informed of my activities and will be happy to answer any questions you may have.

Mr. YODER. Thank you for your testimony.

CHIEF ADMINISTRATIVE OFFICER ABBREVIATED TESTIMONY

Mr. Kiko.

Mr. KIKO. Thank you.

Chairman Yoder, Ranking Member Ryan, and Members of the Subcommittee, I thank you for the opportunity to present CAO's Fiscal Year 2018 budget.

CHIEF ADMINISTRATIVE OFFICER PROGRAMS AND PROJECTS

Since taking office in August, I have met with nearly every one of the CAO's over 600 employees, who take pride in their work and services they provide. From cybersecurity to payroll and benefits to logistics, and childcare, the CAO organization provides a myriad of services to the House, most often behind the scenes.

For instance, during the transition, our payroll and benefits staff processed approximately 30,000 payroll actions. During the last 6 months of last year, our logistics shop moved roughly 50,000 pieces of House equipment and furniture. The CAO's procurement operation processed over 6,200 actions, totaling over $105 million, and we processed in 2016 nearly 14 million pieces of mail.

In 2016, HIR installed over 670,000 software patches and resolved over 3.5 million IT vulnerabilities, and we also thwarted 4.7 billion unique cybersecurity attacks in the House with 53 percent of those being in the last 2 months of 2016.

FY2018 THE CHIEF ADMINISTRATIVE OFFICER BUDGET REQUEST

The CAO priorities and subsequent budget request for Fiscal Year 2018 are based on the examination of current operations and challenges. Top priorities include cybersecurity, the CAO strategic plan, customer service, as well as ongoing initiatives like improving food services here on campus, expanding our service offerings for District Offices, and possibly a more coordinated approach on wellness offerings.

Our Fiscal Year 2018 Budget for the CAO is $133,635,000, which is a 14.1-percent increase over last year. Cybersecurity initiatives account for 78 percent of the increase; longevities and cost of living account for 10 percent; and the remaining 12 percent is a combination of maintenance and licensing, contractor support, et cetera.

We are all aware of the increased amount of state-sponsored activity waged against the United States. The massive global ransomware attack and its aftermath is a sobering reminder of what we are up against in the level of sophistication. It is imperative to maintain a robust cybersecurity posture.

In Fiscal Years 2016 and 2017, with the support of this Committee, funds were reallocated to strengthen the House's cybersecurity posture through dark web monitoring capabilities, vulnerability testing, threat intelligence gathering, and mobile platform security for smartphones and tablets. The proposed increase in cybersecurity funding for Fiscal Year 2018, if approved, will continue to strengthen our cyber posture.

Another top priority is the CAO's strategic plan, which will undergird every aspect of CAO operations. Now finalized, we are mov-

ing to execute our strategic goals supported by objectives that ensure operations better align with current needs of House customers in the most efficient, cost-effective way.

Finally, the paramount and overarching priority for the CAO is customer service, which will be advanced through the implementation of the strategic plan and targeted initiatives. We are doing a strategic plan to better provide customer services.

Customer service initiatives include enhancement of the Learning Center, improved technology services for Members' offices, expanded services for District Offices, et cetera. These projects and initiatives will collectively yield cost savings, eliminate unnecessary processes, and hopefully provide better service to Members.

I want to thank the Subcommittee for its support, particularly over our cyber initiatives last year, and I appreciate the opportunity today to present the budget. Thank you.

[The Chief Administrative Officer prepared statement follows:]

Statement of

The Honorable Philip G. Kiko

Chief Administrative Officer

United States House of Representatives

Before the

House Appropriations Subcommittee on Legislative Branch

May 17, 2017

Summary Statement
Philip G. Kiko
Chief Administrative Officer

Chairman Yoder, Ranking Member Ryan, and members of the Subcommittee, I appreciate the opportunity to present the CAO's priorities and subsequent FY18 budget request. I would also like to express my gratitude for the collaborative spirit and warm welcome demonstrated by my fellow officers since I started as CAO in August.

Since taking office, I have met with nearly every one of the CAO's over 600 employees who take great pride in their work and the opportunity to be a part of this incredible institution – a pride I deeply share.

My history with the CAO dates back to the formation of the organization in the mid-1990s when I served as its Associate Administrator for Procurement and Purchasing. Since then, I have assisted with oversight of CAO operations as a staff member of the Committee on House Administration and have been a recipient of its services working in both committee and personal offices.

As I have re-immersed myself in CAO operations, I have been impressed with some of its advancements and recent accomplishments.

For instance, this past October, House Information Resources seamlessly completed a highly-coordinated relocation of House servers to a new state-of-the-art data center. The CAO's Web Solutions Team has grown significantly and, today, maintains over 440 House websites, offering Members a competitive, cost-free alternative to expensive outside vendors. Additionally, since the CAO last testified before this Subcommittee on March 2, 2016, the House received a clean audit opinion for FY15, its 18th consecutive clean audit opinion.

With these accomplishments, there are also components of CAO services and operations that need to improve and evolve rapidly so that the organization may achieve its maximum potential to serve the House community.

An examination of the agency's current operations and challenges serves as the basis of the CAO priorities and subsequent budget request for FY18. The organization's top priorities include cybersecurity, the CAO Strategic Plan, customer service, as well as other ongoing initiatives.

The FY18 budget request for the CAO is $133,635,000, which is an increase of $16,470,000 or 14.1 percent above the *Consolidated Appropriations Act, 2017* per P.L. 115-31. $14,757,000 of the requested increase is allocated for non-personnel items, with $12,877,000 of that attributed to contractor support and initiatives directly associated with the House's cybersecurity efforts.

The remaining requested non-personnel increase is for annual maintenance and licensing; contractor support for Internal Controls, Human Resources and Logistics and Support; House Recording Studio critical repairs and lifecycle replacements; House-Wide subscriptions; option year costs for the mail contract; and other key projects. The

requested personnel increase for FY18 is $1,713,000, which supports FY17 and FY18 estimated cost of living adjustments as well as longevities for current staff.

The first priority highlighted in my testimony—cybersecurity—accounts for 78 percent of the CAO's requested increase for FY18. Cybersecurity is a critical issue of great consequence to the House. Given the increased amount of state-sponsored activity waged against the United States government by malicious actors, there is no question that the House is a target. It is imperative that we establish and maintain a robust cybersecurity posture through constant assessment and adaptation of, and investment in, strong countermeasures. In fiscal years 2016 and 2017, with the approval of this Subcommittee, the CAO reallocated funds to further improve our cybersecurity measures and capabilities. The proposed increase in cybersecurity funding for FY18, if approved, will continue that advancement.

Another top priority is the CAO Strategic Plan, which plays an important and underlying role in every aspect of CAO operations and the mission our operations collectively support.

In the fall of 2016, a comprehensive strategic planning process was initiated that included input from CAO employees representing every business unit. Working together, we developed a five-year strategic plan centered on a refined mission and vision. The CAO's overall vision is to be an essential resource for Members of Congress through outstanding customer experiences delivered by exceptional employees. We identified strategic goals supported by objectives that we feel will re-focus and energize the CAO and ensure that our operations better align with the current needs of our House customers in the most efficient, cost-effective manner.

Customer service is the paramount overarching priority for the CAO this year and one that will be advanced through the implementation of the Strategic Plan and targeted initiatives. Targeted customer service initiatives for this year include enhancing House Learning Center services, improving the technology services provided to Member offices, expanding services provided to district offices, and improving enterprise solutions for all offices.

Finally, there are ongoing projects and initiatives, both CAO-specific and House-wide, in various phases of completion that will be a priority this year. These include, but are not limited to: House food services, the Wounded Warrior Program, the CAO financial assessment, the Cannon Renewal Project, CAO asset management, the continued expansion of the new House data center, and Identity and Access Management – a centralized identity hub for House entities that tracks and stores user information for operational and security purposes.

All of the abovementioned priorities are intended to help the CAO fulfill its mission to serve the House community through exceptional customer service. I also believe that these projects and initiatives will collectively yield cost savings, eliminate unnecessary processes, and provide faster, better services for the entire House. For example, by expanding and improving the IT services provided by the CAO, we will strengthen the

House's cybersecurity posture and reduce the financial burden on Member offices for IT support from outside vendors. Similarly, as part of its Strategic Plan and customer service initiatives, the CAO will look at expanding enterprise applications and solutions like cloud storage that improve operational efficiency and save money.

Again, I appreciate the opportunity to present the CAO's priorities and FY18 budget, and I look forward to working with the Subcommittee and other House stakeholders, including my fellow officers, as we strive to maximize the use of finite House resources to better serve House Members and their staff.

Cybersecurity

Protecting the House's IT infrastructure and the data it supports is a critical responsibility for the CAO and one that is made increasingly difficult by ever-evolving cyber threats. Cyberattacks against the House come in varying manifestations and target the entity as a whole as well as individual network users. To successfully protect the House network and its users, and, in turn, the Speech and Debate protections required by the U.S. Constitution, the House must maintain a robust cybersecurity posture. The House must also maintain a unified front that fosters a controlled and consistent IT environment.

Continue Assessment and Expansion of House Cybersecurity Programs

Establishing and maintaining a robust cybersecurity posture requires the House to constantly assess and reassess the House's IT infrastructure and cyber programs and adapt accordingly with strong countermeasures and subsequent investments. During the last quarter of FY16, with the approval of this Subcommittee, the CAO transferred funds to enhance the House's Dark Web monitoring capabilities. At the beginning of FY17, again with this Subcommittee's approval, the CAO made additional investments to improve the House's system vulnerability testing, threat intelligence gathering, and mobile platform security for smartphones and tablets. Using those same funds, the CAO is updating its assessment of the House's cybersecurity posture. To support the continuation of recent cyber enhancements, as well as support new enhancements identified by the assessment, the CAO is requesting an additional $12,877,000 in FY18 for cyber initiatives.

Strengthen House Cybersecurity Policies

In addition to maintaining a robust cybersecurity posture through strong cyber programs, most of which are acquired and maintained by House Information Resources, the House must also present a unified front against cyber threats. Presenting a unified front will create a stronger, more controlled IT environment across the House, but it requires vigilance and active participation by every individual with access to the House network. It requires strict adherence to and enforcement of current and future House Information Security Policies and warrants the exploration of an enterprise approach to IT equipment procurement and deployment.

Strategic Planning

At its creation back in 1995, the CAO's original credo was, "serving our Country by serving our Congress." An excerpt from what was called the CAO's "Contract with the Congress" stated:

> *The House of Representatives deserves the best service in the world, and that is provided by those of us who work for the Office of the Chief Administrator.*
>
> *As service professionals we are proud to have the Congress as our customer. Its Members are independent elected officials, ultimately responsible and accountable to the people who elected them. Our role is to serve each and every Member equally and impartially.*
>
> *To ensure an enduring tradition of world class service for our customers we will devote our every action and thought to the following:*
>
> *As Service Professionals, we will constantly and consistently listen to our customers, meet their needs, and seek ways to continuously improve our services to them.*

As the CAO continues to fulfill many of its original service commitments, it must also remain committed to its original pledge to provide forward-thinking, cutting-edge customer solutions.

Finalize the CAO Strategic Plan
In an effort to energize and refocus the CAO, an internal strategy team was formed in the fall of 2016. This cross-functional team led a comprehensive planning process that facilitated and included input from CAO employees representing every business unit. Employing all-staff surveys and solicitations for input, offsite meetings, and focus groups, the strategy team spent over four months refining the CAO's mission and vision to convey what staff believe is and should be the organization's present day purpose.

CAO Mission Statement: We serve the House community by providing administrative, technical, and operational solutions so Members can perform their Constitutional duties.

CAO Vision Statement: To be an essential resource for every Member of the People's House through outstanding customer experiences delivered by exceptional employees.

To support the new mission and vision, the CAO developed supporting goals, objectives, and values. The four goals that support the refined mission and vision center on our customers, process, stewardship, and employees.

Operationalize the Plan
Now finalized, the CAO is moving to operationalize its Strategic Plan, which entails multiple concurrent initiatives. To achieve our customer and process goals, the CAO has developed an internal Design Team comprised of mostly customer-facing

employees from nearly every business unit. The Design Team is charged with examining CAO services and its past and present service delivery models and identifying modifications to each that will improve service to the House community. To better understand the customer experience, the Design Team met with House staff from a bipartisan array of House Member, Leadership, and Committee offices. The input gathered during this portion of the Design Team's analysis provided the Team with valuable insight into House staff experiences using CAO services, as well as the office operations and the pressure and expectations faced on a daily basis in other House offices. Now entering the final stages of its analysis, the Design Team will use the information it has gathered to compile its recommendations on future CAO services and its service model.

Equally important to its commitment to provide outstanding customer service is its responsibility to be a good steward of House resources. For its stewardship and, again, process goals, with the encouragement and support of the Committee on House Administration, the CAO has engaged an independent consulting firm to perform a comprehensive financial assessment. The goal of the assessment is to identify operational deficiencies, inconsistencies, and current opportunities to improve the accuracy and accountability of CAO financial operations. This assessment is expected to be completed no later than September of 2017.

Upon their conclusion, these analyses may warrant modifications to the CAO's governance and organizational structure.

Additionally, to achieve its employee goals, the CAO has developed a human capital plan and strategy that fosters greater professionalism and engagement within its workforce and is close to deploying a redesigned performance management program across the entire organization.

Customer Service

The heart of the CAO's existence is to serve Members of the House and their staff. The CAO strives to provide excellent customer service delivered by exceptional employees to meet and, if possible, exceed the needs of the House community. Specific initiatives that will help ensure the CAO provides outstanding customer experiences include enhancing the House Learning Center with an emphasis on staff wellness, improving the technology services provided to Member offices, increasing service offerings for district offices, and expanding enterprise solution services for all offices.

House Learning Center

The House Learning Center has provided training for House staff since the creation of the CAO in 1995. The House Learning Center currently offers a variety of courses, available both in the classroom and virtually, on topics ranging from financial administration to legislative and information services to web development.

However, attendance levels indicate a disconnect between when and what the House Learning Center offers and what House offices need. For example, from January

through March 2017, 1,589 registrations were received to attend 142 courses offered by the House Learning Center. Of those, 772 (48.6 percent) attended. The others either cancelled their registration or did not show up to the class, resulting in an average of 5.4 students per class.

To enhance House Learning Center services and better meet the needs of House offices, the CAO is reevaluating its offerings and making adjustments as needed, giving greater consideration to the House legislative schedule and events when determining its course offerings. For example, during the April recess, the CAO launched what it called "Recess Refresh," which included courses on cybersecurity, newly deployed House technologies, and mindfulness. The Recess Refresh courses averaged 12.6 students per class.

The mindfulness course, which is new to the House Learning Center's course offerings, was particularly well received and well attended, warranting further exploration of such offerings.

Improving Technology Services for Member Offices
Efforts to maintain a robust cybersecurity posture and identify cost-saving enterprise solutions has required centralizing certain IT procedures and services.

For example, House Information Security Policies approved by the Committee on House Administration apply greater controls on an individual's ability to create and modify accounts on the House network. Without these controls, it is difficult to identify and eliminate inactive network accounts, which poses an increased security risk to the House. The House has an estimated 12,000 active network accounts; however, independent security assessments have identified a significant number of invalid network accounts.

While having greater controls over network access reduces the number of inactive accounts and network vulnerabilities, it increases House office reliance on the CAO's technology services. If the House is going to continue to increase office reliance on CAO technology services, it is critical that the organization ensures those services meet the highest level of quality.

Expand District Office Services
From network connectivity to employee benefits, the CAO provides varying levels of support to approximately 850 to 900 district offices. For example, as part of the 115th Congressional Transition, the CAO is working to equip all freshman district offices with newly-required Broadband internet connections and Voice over Internet Protocol (VoIP) phone connections. Broadband and VoIP connections yield higher-quality internet and phone connections, greater functionality, and cost savings. Once finished connecting freshman offices with these services, the CAO will focus on expanding them to the remaining district offices.

Establishing Broadband and VoIP connections in district offices are just two examples of what the CAO can do to help district offices, and we recognize that the CAO can do more. District offices are vital to a Member's operations and must be made a priority. To that end, the CAO is considering the deployment of CAO staff to district offices across the country to identify additional CAO service offerings that can support district office operations.

Expand Enterprise Solution Services for all Offices
There are a growing number of resources for House offices that improve operations and provide cost savings. The CAO vets these solutions for use in House offices, and in limited cases, purchases enterprise subscriptions so that all House offices may access and use the services.

For example, the CAO has purchased Hyperion, a budget planning platform, and will soon deploy the platform for all House offices to use. Hyperion will replace the outdated Congressional Accounting and Personnel System (CAPS), eliminating redundancies that were problematic under CAPS.

The CAO is also expanding access to various Cloud services, including Office 365. Full implementation of Office 365 across all House offices will result in a reduced cost of House-owned infrastructure and more efficient and cost-effective upgrades to the latest versions of the Microsoft Office suite of products. Office 365 was offered to freshman Members of the 115th Congress in January 2017 and will be expanded to the rest of the House community by early 2019.

Continuation of Ongoing Major Projects

In addition to the aforementioned initiatives, it is imperative that the CAO continue to focus on and provide support for its various ongoing major projects. Ongoing projects include: improving House food services, the Wounded Warrior Program, the CAO's financial assessment, supporting the Cannon Renewal Project, improved management of House assets, migration of House data to a new data center, and identity and access management.

Quality Assurance for House Food Services
August 2016 marked the House's one-year anniversary with food vendor Sodexo, which operates all food and vending facilities in the Capitol and Rayburn, Longworth, and Ford House Office Buildings. Though a formal customer satisfaction survey was never deployed during the first year of the contract, it is evident that food services are not satisfactory.

To improve food services, the CAO recently created a Quality Assurance Surveillance Plan (QASP), run by members of the CAO's Office of Acquisitions and Contract Management. The plan entails vigorous oversight and contract enforcement through daily surveillance, tracking and rating contractor performance, and regular meetings with the vendor's management as well as the chefs and servers at each House facility.

The new quality assurance plan, which has been operational for several weeks, has already yielded positive results, including much-needed management changes at two House facilities. Additionally, Sodexo just completed its first customer satisfaction survey as required by the contract and is exploring on-site kiosks to facilitate additional customer feedback.

The CAO understands and agrees with the concerns and opinions expressed by the Subcommittee in its omnibus report language issued recently regarding food quality, variety, and consistency as well as facility renovations and branded food options. Through the QASP and working with Sodexo and other House stakeholders, the CAO will continue its work to improve the House's food offerings.

Wounded Warrior Program
Since the program's inception in February of 2008, the House Wounded Warrior Program has provided paid fellowships for 199 veterans in Member offices. As of May 2017, 154 Wounded Warriors have completed the program with 28 transitioning to full-time employment within a Member office, 54 accepting full-time positions outside of the House, and 18 advancing their career path by accepting a position with the Department of Veterans Affairs.

There are currently a record 45 veterans in the program and 9 vacancies that the CAO is actively working to fill. There is also growing Member office demand for fellows, which the CAO would like to accommodate by expanding the program size. Additionally, the CAO has worked to expand the professional development training opportunities for participating fellows that are mutually beneficial for them and the House offices they serve.

Financial Assessment
Although it accounts for less than 10 percent of the CAO's current operating budget, the CAO's Office of Finance is vital to House operations. Whether through the Office of Members' Services; Financial Counseling; Payroll and Benefits; Accounting; or Budget, Policy and Planning, the CAO's financial operations affect every individual elected and hired to serve this institution. Additionally, the CAO's Office of Finance is responsible for collecting, disbursing, and publicly reporting all expenditures of the U.S. House of Representatives, essentially facilitating the transparency and accountability promised to Americans by their elected representatives.

Considering the significant, impactful role the CAO's Office of Finance plays, it is tremendously important that its operations meet the highest standards of stewardship. With that, the CAO initiated a comprehensive organizational assessment of the Office of Finance to identify operational deficiencies and inconsistencies and present opportunities to improve accuracy and accountability within CAO financial operations. The assessment began in September of 2016 and is expected to conclude in the third quarter of 2017.

Cannon Renewal

In preparation of Phase One of the Cannon Renewal Project, which commenced in January of 2017, the CAO helped facilitate office moves from the New Jersey Avenue side of the building as well as subsequent office moves across the House campus. This included the transfer of phones, computers, office furnishings, and other House equipment. The CAO anticipates providing the same services throughout each phase of the Renewal Project and will strive to conduct these moves with minimal interruption to House office operations.

Additionally, working closely with various House stakeholders including the AOC and offices directly impacted by the renovation, the CAO facilitated a survey of new office furniture to be installed in Cannon office space upon the completion of each phase of the renewal project. To date, the CAO has gathered valuable feedback and will continue to solicit feedback and engage members of the House community throughout the selection and procurement process. The CAO will also outfit the newly-renovated spaces in Cannon with traditional window treatments.

Asset Management
CAO's Asset Management is responsible for tracking over 60,000 assets on Capitol Hill and across the nation in district offices, a charge that presents a variety of challenges. Information technology equipment constitutes a majority of the House's assets, and this equipment shifts between individual staffers and offices. It is a priority for the CAO to track the House's assets accurately and comprehensively through a robust asset management program.

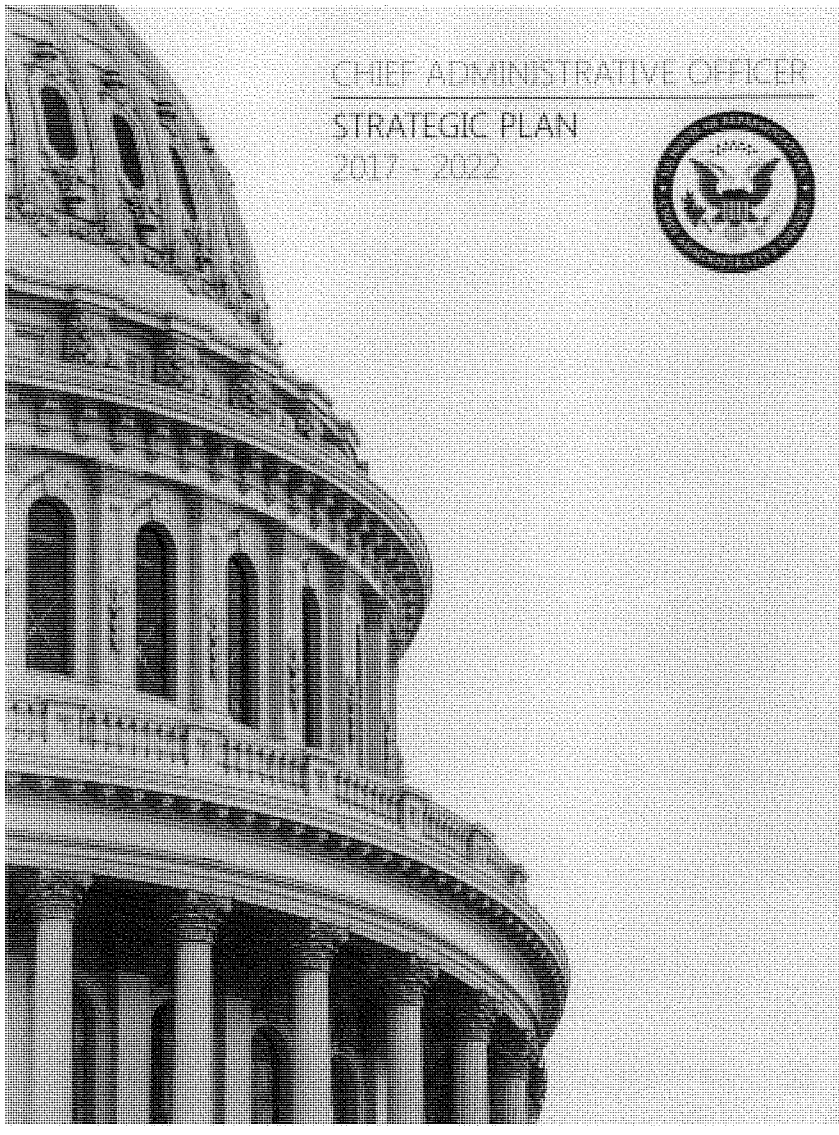
Data Center
In October 2016, the CAO migrated CAO data center services and supporting technologies from the outdated Ford Data Center to a new data center facility. The new state-of-the-art Tier 3 Data Center provides a geographically dispersed, more efficient and resilient capability to protect the House's critical IT systems and business continuity, even during large-scale natural or manmade disasters. The CAO is now working to migrate services for House Leadership, Committees, and other support offices.

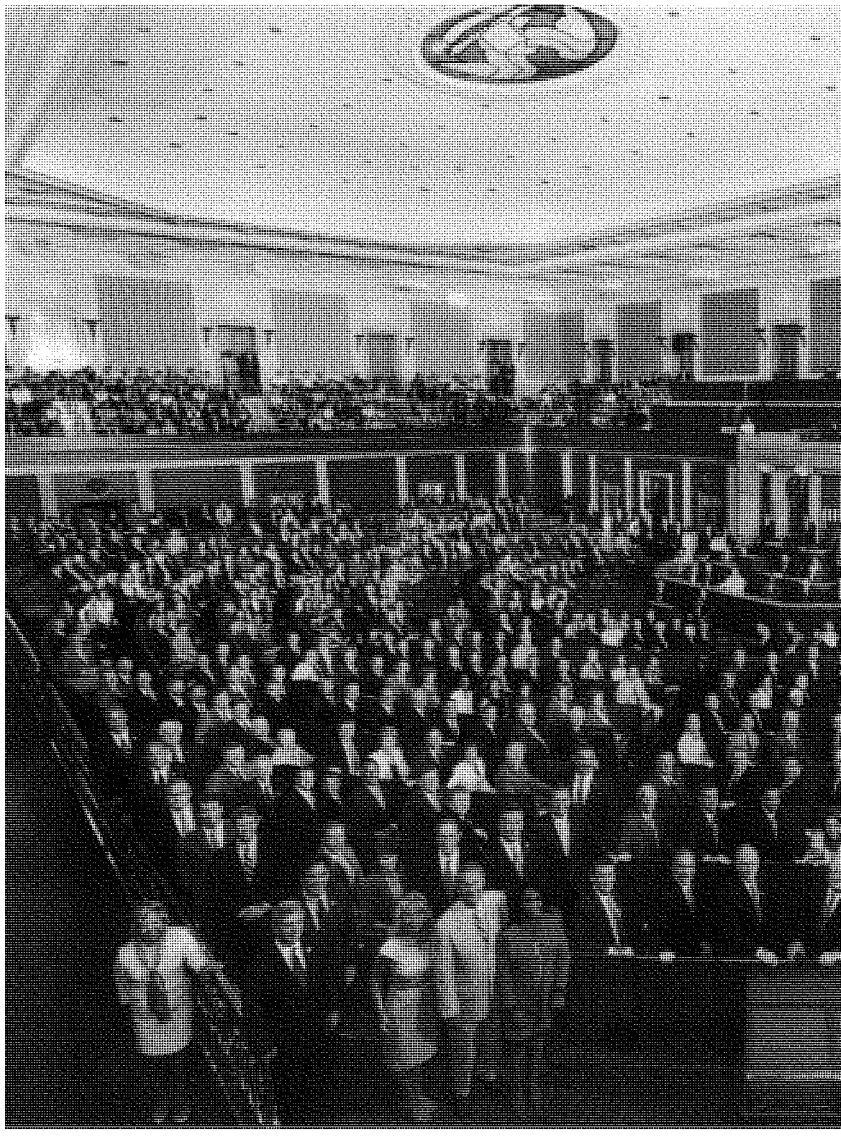
Identity and Access Management
In 2017, the CAO will roll out an identity hub to help manage how applications employed by various House offices receive, update, and/or exchange identity-related data of House Members and staff. The Identity and Access Management program will integrate with multiple House identity management applications and sources, such as Lawson/MyPaylinks, Active Directory, and PeopleSoft, and facilitate secure control of identity data throughout the House.

Conclusory Statement
Philip G. Kiko
Chief Administrative Officer

As mentioned, the priorities identified and subsequent FY18 budget proposal presented in this testimony are based on an examination of the agency's current operations compared to today's needs of the House community. They are intended to help the CAO fulfill its newly refined mission and to restore its original commitment to provide exceptional, forward-thinking services.

I appreciate the opportunity to present these priorities on behalf of more than 600 dedicated employees, and I look forward to working with the Subcommittee as we strive to better serve House Members and their staff.


CHIEF ADMINISTRATIVE OFFICER
STRATEGIC PLAN
2017 – 2022



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Front and Back Cover Photo Credit: **Kristie Boyd**, CAO Photography;
114th Official House Portrait Credit: **CAO Photography Team**

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PREVIEW
PROGRAM
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MESSAGE FROM THE CAO

The CAO was created in 1995 and has continued to serve Members and the House Community through its existence. Early on, the CAO worked toward becoming a world-class customer service organization, delivering cutting-edge solutions to the House Community. This strategic focus led to many improvements to the CAO; however over the last decade as the organization shifted to a more operational, day-to-day focus, the pace of these improvements slowed.

There is an urgent need for the CAO organization to have a forward-thinking, strategic focus that drives positive changes throughout the organization.

It is vital for the House Community that the CAO evolve and adapt to the ever-changing world around us. The CAO must adopt better ways of doing business as technologies emerge, update and ensure that our service offerings are relevant as the needs of our customers change, and ensure the CAO is staffed by exceptional employees capable of delivering positive customer experiences.

I believe the CAO has the potential to be an increasingly essential resource for every Member of the People's House. To this end, a strategy development team worked with CAO leaders and cross-functional staff over the Fall of 2016 to develop this five-year strategic plan.

The effort has resulted in a refined CAO mission statement that conveys the reason for the CAO's existence as well as what services the CAO provides to the House Community. The effort also defined a new CAO vision for the organization to achieve over the next five years. The vision also guided the development of the goals, their related objectives, and core CAO values which, in concert, makeup the 2017 CAO Strategic Plan.

This plan will help re-focus and energize our collective efforts into a cohesive approach towards delivering outstanding customer experiences to the House Community in every interaction. The CAO is driven by a commitment to the values of service, innovation, teamwork, integrity, and respect. These values help define a culture that is compelled to drive the CAO toward its vision using the 2017 CAO Strategic Plan as its guide.

Sincerely,

Philip G. Kiko

Philip Kiko
Chief Administrative Officer

Photo Credit: **Kristie Boyd**, CAO Photography

MISSION AND VISION

The mission of the CAO reflects our customers, our services, and the primary purpose for the CAO's existence.

The vision statement conveys the outcome that our organization will work to achieve over the next five years.

THE CAO MISSION

We serve the House community by providing administrative, technical, and operational solutions so Members can perform their Constitutional duties.

THE CAO VISION

To be an essential resource for every Member of the People's House through outstanding customer experiences delivered by exceptional employees.

Photo Credit: **Erin Granzow**, CAO Photography

CAO VALUES

Our culture will be defined by respectful employees who work together to serve Members and staff by delivering superior solutions with integrity.

In order for the CAO to accomplish its Vision "to be an essential resource for every Member of the People's House", every team member of the CAO must live by and embrace the CAO values.

SERVICE

We serve Members and staff through positive customer experiences in every interaction.

INNOVATION

We proactively seek new ideas and deliver superior solutions that exceed the expectations of our customers.

INTEGRITY

We protect the House by doing the right thing for the right reasons.

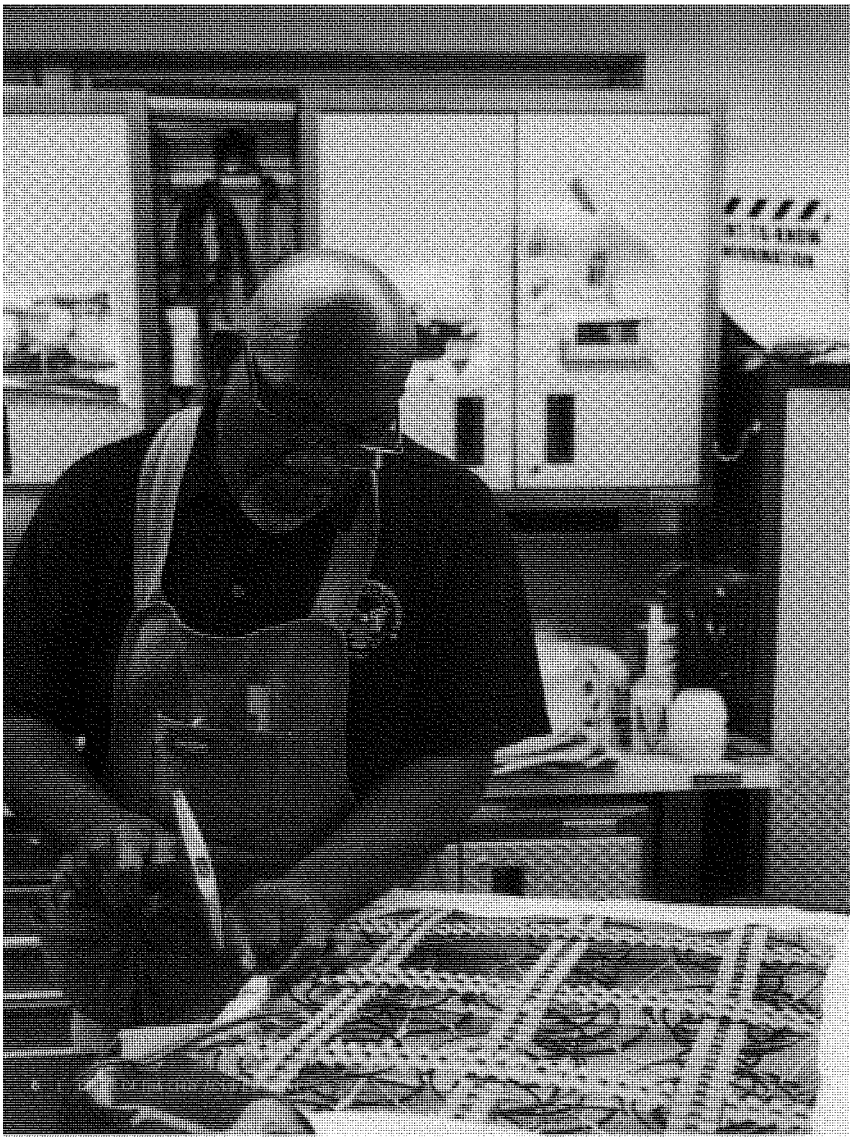
TEAMWORK

We foster unity and collaboration across the CAO and the House Community to deliver exceptional service.

RESPECT

We recognize and embrace each of our individual strengths and contributions which make the CAO successful.

Photo Credit: **Kristie Boyd**, CAO Photography



STRATEGIC GOALS

Each CAO strategic goal focuses on realizing one area of the vision statement. A customer goal has been developed to drive positive customer experiences, a process goal to help the CAO become essential, a stewardship goal to better manage our resources, and an employee goal to build a workforce of exceptional staff. These goals provide a balanced approach to helping the CAO achieve its vision for the benefit of the institution that it serves.

CUSTOMER

Deliver an increase in annual customer satisfaction that drives **positive customer experiences**.

PROCESS

Increase **use, consistency, and accuracy** of our services.

STEWARDSHIP

Increase the optimization, utilization, and safeguarding of resources to best **anticipate and support House operations**.

EMPLOYEE

Develop and implement a system to foster a **professional and engaged CAO workforce**.

Photo Credit: **Franmarie Metzler**, CAO Photography

CUSTOMER OBJECTIVES

The three customer objectives directly support the customer goal, which in turn supports the vision element 'positive customer experiences'. One of the first activities of these objectives will be to establish a baseline for customer satisfaction and to develop a customer service delivery strategy that will influence the organizational design. Prior CAO work will be leveraged as well as new customer-related business strategies, such as customer experiences, will be considered.

Customer Goal: Deliver an increase in annual customer satisfaction that drives positive customer experiences.

Objective 1

CUSTOMER ENGAGEMENT AND MEASUREMENT

Deliver a customer satisfaction measurement and proactive engagement program and establish a baseline by 2018.

Objective 2

CUSTOMER SERVICE STANDARDS

Develop, communicate, and implement customer service standards across all CAO offices by 2019.

Objective 3

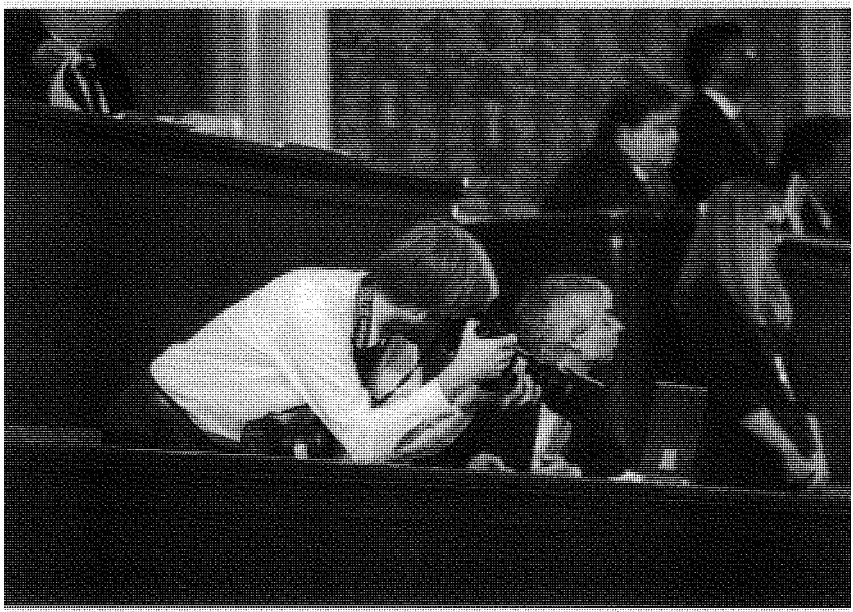
SERVICE DELIVERY STRATEGY

Create a service delivery strategy by 2019 and fully adopt and institutionalize across all CAO services by 2021.

Photo Credit: **Eric Connolly**, CAO Photography

PROCESS OBJECTIVES

The three process objectives directly support the process goal, which in turn supports the vision element 'essential'. One of the first activities of these objectives will be to establish a baseline of CAO services with respect to use, consistency, and accuracy. Then a list of services will be identified to target for increasing with respect to use of the service by CAO customers. Consistency and accuracy improvements will apply to all CAO services. The target increases for the process goals and objectives are cumulative measures, not service specific.



Process Goal: Increase use, consistency, and accuracy of our services.

Objective 1

BRANDING, AWARENESS, AND ACCESS

Increase the use of CAO services by 10% annually by branding, advertising, and simplifying access to services.

Objective 2

CROSS-FUNCTIONAL COLLABORATION

Create cross-functional teams to collaborate, share knowledge, and improve processes to improve consistency by 10% annually.

Objective 3

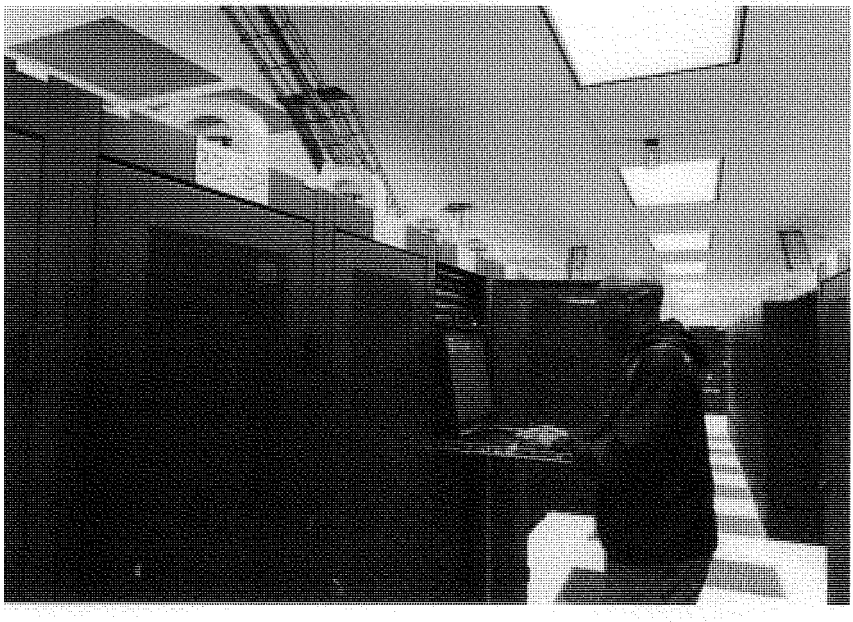
QUALITY ASSURANCE PROGRAM

Implement a standard quality assurance program to reduce error rates by 10% annually.

Photo Credit: **Kristie Boyd**, CAO Photography

STEWARDSHIP OBJECTIVES

The three stewardship objectives directly support the stewardship goal, which in turn supports the vision element 'resource'. One of the first activities of these objectives will be to establish a process to measure resource effectiveness for major initiatives, programs, and processes. Data from this process will be used to support strategic operations and decision-making, as well as the capital planning effort. An enterprise risk management program will be developed with influence from the existing standards and acceptable tolerance levels set in other branches of the Government.



Stewardship Goal: Increase the optimization, utilization, and safeguarding of resources to best anticipate and support House operations.

Objective 1

CAPITAL PLANNING

Increase resource effectiveness by fully implementing a CAO capital planning program by 2019.

Objective 2

ENTERPRISE RISK MANAGEMENT

Reduce risks to House resources to acceptable tolerance levels by implementing a CAO enterprise risk management program by 2020.

Objective 3

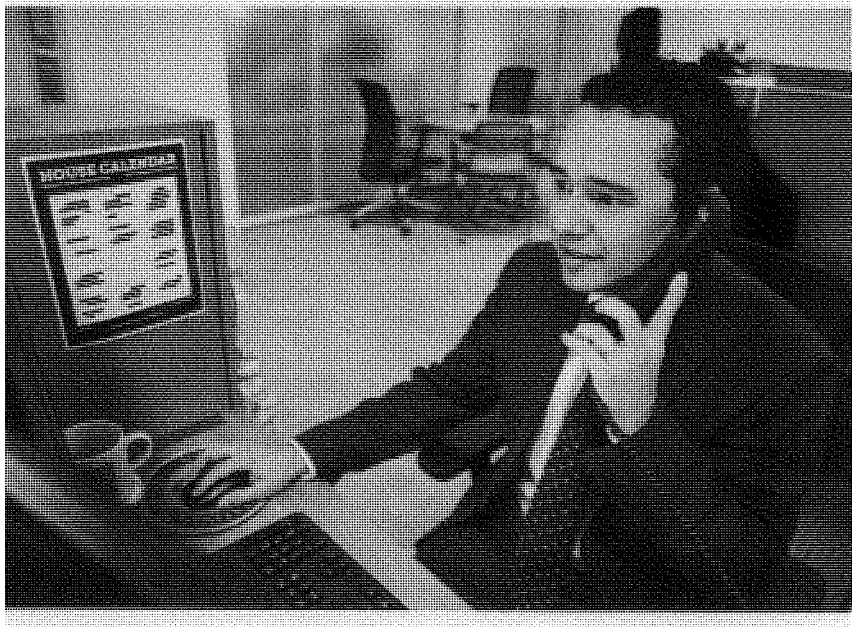
RESOURCE EFFECTIVENESS MEASUREMENT

Design resource effectiveness metrics and reporting processes for major CAO initiatives, programs, and processes by 2018.

Photo Credit: **Eric Connolly**, CAO Photography

EMPLOYEE OBJECTIVES

The three employee objectives directly support the employee goal, which in turn supports the vision element "exceptional employees". One of the first activities of these objectives will be to refine the performance management system and to develop an employee feedback process, including a survey to establish a baseline for employee satisfaction, skill gap data, and other data. The organizational design activity will work closely with the customer objective 3 of this strategic plan.



Employee Goal: Develop and implement a system to foster a professional and engaged CAO workforce.

Objective 1

TALENT FRAMEWORK

Deploy a CAO-wide framework by December 2017 to guide how we recruit, develop, secure, and retain talent.

Objective 2

PERFORMANCE AND FEEDBACK

Update and align performance management and feedback processes with CAO strategic priorities for full deployment by the 2018 cycle.

Objective 3

WORKFORCE OPTIMIZATION

Evaluate and optimize the current workforce alignment, succession planning, and organizational design by 2020.

Photo Credit: **Frederick Schilling**, CAO Photography

Mr. YODER. Thank you for your testimony.

QUESTIONS FOR THE CLERK

And, I appreciate all three of you appearing today. We will now start questions. And for the Committee, you can ask any of the witnesses today questions on a variety of topics.

I will begin with Ms. Haas. One of the hearings this Committee has already held this year was on transparency in government, and there were conversations about whether CRS reports should be online and a number of different topics. But one of the issues that came up relates to the transparency of the House of Representatives itself.

And one of the witnesses suggested that, if there were concerns and things that could be fixed, that his top priority would be making amendments more readily available and visible to our constituents who may not have the text or copy or know exactly what we are debating. Can you speak to that a little bit in general on that specific one?

Ms. HAAS. Sure.

Mr. YODER. And then, just in general, what are your recommendations and what are your long-term plans to create more transparency for the House of Representatives for the constituents we serve?

COMPARATIVE PRINT RULE PROJECT

Ms. HAAS. Sure. I think a big step on the amendments specifically is part of this Comparative Print Rule that was passed as part of the rules package at the beginning of the year. And so, under the Rule, by the end of this year, the House is required to have in place a tool that will allow you to compare bills to current law and also a document-to-document comparison of amendments.

For this initial tool, the Legislative Counsel will be heavily involved in that process. As I mentioned in my testimony, phase two, which we are interested in pursuing and have requested additional funding for, would allow, once it is complete, House staff to be able to use the tool to do the comparison. Also, as part of the Rule, those comparisons would be available on the website. So people would have access to it.

THE BULK DATA TASK FORCE

As far as the larger transparency effort, it is something we take very seriously, this Committee has taken very seriously, and House Leadership on both sides. It has been a priority.

So, from the Bulk Data Task Force and the origination of that and the continued effort there, as well as our website I mentioned, our Clerk website that we are rolling out, transparency is the key to that. Our focus is the legislative data and making it available in a way that can not only be viewed easily, but also, so people on the outside can take that data and use it in a more efficient way than they can currently.

DOCS.HOUSE.GOV WEBSITE

Mr. YODER. And then amendments specifically, floor amendments, how does the public access those?

Ms. HAAS. So, on the docs.house.gov website would be one option, if they are available. And the Rules Committee would also be posting them there. If there are things, for example, when an appropriation bill is considered—and they can come up at any time—that makes it more challenging.

Mr. YODER. More difficult, okay.

QUESTIONS FOR THE SERGEANT AT ARMS

Mr. Irving, you testified regarding district office security. I might ask you a little bit more about that. I think the request is for $2.2 million for security enhancements for district offices?

DISTRICT OFFICE SECURITY

Mr. IRVING. Yes.

Mr. YODER. Can you talk about what that $2.2 million could accomplish? I know you mentioned some video recognition in your testimony; maybe discuss that a little bit more in depth. And what do we think the total spectrum of things are that we should be considering beyond what maybe we could do with the $2.2 million? What is the long term? What would that cost? What are the security threats that we are concerned about in terms of Member offices in the districts?

Mr. IRVING. Yes, Mr. Chairman.

Well, we have had quite an uptick in district office security issues: a lot of local townhall meetings, a lot of calls to my office requesting support. A lot of law enforcement support, really, is the bulk of what we manage. In effect, we have over 900 district offices.

We looked at ways to expand our presence and increase the security posture of the individual district offices. One way is to standardize some of the ways that they implement security. Offices now, on a rather ad hoc basis, will ask for a security assessment, and will be provided a security assessment, will not always implement all of the recommendations provided.

My goal is to standardize the security posture that we provide to each office. So we standardize the main office for each district to get a duress alarm system so that, if a Member was in his or her office or in the proximity of his or her office and needed to summon law enforcement quickly, they could, by use of this duress panic button they could have on them or in the office, summon law enforcement very, very quickly.

STANDARDIZED ACCESS CONTROL SYSTEM

Another item that I would like to implement, if at all possible, is a standardized access control system to each district office reception area so that doors can be locked and staff can actually view who is outside before they summon them in. And that would be by a camera outside and a buzzer system to allow them in. This would greatly enhance some of their security as well.

So the goal is to standardize, if at all possible—we can only, just because of cost, do one main office per Member—standardize, kind of increase the security posture, you know, in light of the fact that many district offices, you know, do suffer some security issues.

And, again, we have seen an uptick over, I think, the last couple of years with pressers and townhall meetings and other public appearances.

Mr. YODER. So the $2.2 million, would that provide security upgrades for the district office for every Member?

Mr. IRVING. That would provide, yes, for one office. So each Member would get one office. And it would provide the duress alarm system as well as the camera and buzzing system. About a half a million of that, $500,000, would be a recurring cost, a recurring monitoring cost. So, of that, about 1.5, almost 1.6 would be just a one-time cost. And then there would be a recurring cost for ongoing monitoring.

Mr. YODER. I assume this would be voluntary. Members wouldn't be required to participate. Do you know how many Members we think would want to——

Mr. IRVING. Mr. Chairman, that is a great question. Absolutely voluntary. Similar to our Mailhood Program, which is very, very successful, we had most Members request mailhoods to screen their mail. Some Members chose not to and that was fine. So we probably had about 80 percent participation.

Mr. YODER. And do we know that—some Member offices may already have some of these security upgrades.

Mr. IRVING. Yes, absolutely correct.

Mr. YODER. They fund it out of their MRA.

Mr. IRVING. Correct, yes. Some have—a relatively small percentage—but, yes, some have——

Mr. YODER. But duress buttons and that kind of stuff, that may exist——

Mr. IRVING. Again, if that was recommended as part of their initial security survey and the Member chose to go ahead and pay for that and implement that, then that particular office would indeed have it. So some do; some don't. A little bit of, again, ad hoc, and I would like to standardize that, if at all possible.

Mr. YODER. Okay. Thank you.

QUESTIONS FOR THE CHIEF ADMINISTRATIVE OFFICER

Mr. Ryan.

Mr. RYAN. Thanks, Mr. Chairman.

I have got a couple questions for Phil. The House of Representatives, we employ 11,000 people, very fast-paced, high-stress environment, in case no one has noticed. A 2012 Gallup State of the American Workplace Study said that employees with high overall well-being have 41 percent lower health-related costs compared with employees who are struggling.

And, in my estimation, it is to the benefit of the Federal Government and the people we represent to give the congressional employees resources to help them manage stress, stay active, physically active and fit, and eat healthy, and we can do that with an organized wellness program.

Wellness programs have proven in corporate America and in other places that they can increase productivity, employee retention, employee morale, while lowering healthcare costs overall.

Do you think it is feasible for us to establish a campus-wide health wellness program or House wellness program drawing on the experiences of corporate America businesses and organizations that have benefited from such programs?

HEALTH AND WELLNESS PROGRAM FOR THE HOUSE

Mr. KIKO. Yes, I think we could. Currently we have parts of a wellness program. We have a physical fitness center. We have an employee assistance center, and we have training. And some of the training that we have done recently deals with stress. We have had a very popular course on mindfulness.

So I really believe we can. I have looked into this issue myself with regards to some research on some large companies, and I think it would be worth our while to look into what is a successful wellness program, what are the elements of it, physical fitness, health education, nutrition, mental health. I think all those things are part of a program.

Personally, and with regards to staff, anything that would help reduce stress around here I think would be great—or how to manage it—because it does mean less doctor visits, less high blood pressure, I think I was reading in—let me see—there was one company—Forbes recently said that General Motors spends more money on healthcare costs than it does on purchasing steel.

So that is sort of an indication of what the private sector is doing. I think there is a lot more information out there now and data that says that a good wellness program increases productivity. I think it is possible with the guidance of the committee maybe to come up with some options to see what the people would like.

FOOD SERVICES AND THE FOOD SERVICES CONTRACT

Mr. RYAN. Thank you. I agree. I think it could be beneficial.

We have already met, you and I and Chairman Yoder, about food service, which is a popular topic. Being new to this committee, you think, well, what are Members going to ask about? And they consistently ask about the quality of the food and the service in our cafeterias and the House restaurant. And it is a perpetual source of frustration, I think, for a lot of staff and Members. What measures are you taking to try to improve the situation?

Mr. KIKO. Well, this sort of reached a crescendo a couple of months ago where it seemed like I was receiving nothing but negative comments about the food service, particularly in discussing this with Members.

So what the CAO's Office did was basically tasking a whole bunch of people in the procurement office, five people, individually, to go around, and we created this quality assurance surveillance team.

For the last 2 months, we have been going around to every food service facility; and, based on what the contract is with the company, we have been measuring performance, whether it is food quality, whether it is old food on the shelves, how much time did it take to ring stuff up, how long are the lines and everything.

And I think it has had an impact on the vendor. I have had meetings with the senior vice president of North America for food services for Sodexo. And what I am sort of hoping is—I will just show you one thing. We have been keeping tabs every week on what we are doing. As you can see, this is when it started. Everything was red, which meant there was no compliance with the contract at all. Everything was terrible. And this is last week's.

So, at least with regards to trying to improve the service as required by the contract—which I think is minimal. I think, at a minimum, you should have contract performance. This at least gets us a baseline that things are getting better, and they are putting more resources up here on the Hill.

The food is getting better. They have moved different managers in, and everything that we are measuring is getting better. And they have also had their own team now that is coming in and going around and surveilling things.

We just did a survey. The survey results were not very good for the vendor as well. It shows there is room for improvement. They said they want to improve. They want to be up here on the Hill. You know, we need a good vendor.

So I am hoping—I am going to give it 6 months to see where we are and see where the Members are and where the staff is. Is that too long of an answer?

Mr. RYAN. No. That is good. Well, let's stay on that and help you along. I appreciate what you have done already. I think that shows, just by us raising this as an issue, we can start to make some progress, and we have a little way to go.

I will yield back, Mr. Chairman, and hopefully catch a couple more questions in a second round.

Mr. YODER. Thank you.

Mr. Amodei.

Mr. AMODEI. No questions at this time. I yield back, Mr. Chairman.

TRAINING AND RECRUITING FOR THE NEXT GENERATION

Mr. YODER. Okay.

Mr. Taylor.

Mr. TAYLOR. Sure, just a couple.

Thanks for what you guys are doing. We really appreciate it, your hard work.

Ms. Haas, there are folks on the staff nearing retirement age. Is this a pretty decent number? And if so, do we anticipate sort of a major shift in training to get people up to speed for the next generation of workers?

Ms. HAAS. So, I would say it is probably a little bit more than a handful, but we are very fortunate that we do have people that come and stay for a long time and are very experienced. But we also do a really good job of training people and have people waiting. So, I am not concerned about the turnover at all.

And as far as recruiting for some of our positions, we recruit nationally, and we get the best people that are out there for these positions. So, I am really proud of our workforce.

Mr. TAYLOR. Great. Thank you.

WOUNDED WARRIOR PROGRAM

Mr. Kiko—Mr. Chairman?

Mr. YODER. Please.

Mr. TAYLOR. Just a couple quick questions. Again, thanks for what you are doing. I am looking at the veterans, like the Wounded Warrior Program, and I have seen there is an uptick in the budget because you want to have more Wounded Warriors in Members offices, which I think is great. And I see that there are nine vacancies. How can we help you guys fill those vacancies and also move them forward with the Wounded Warrior Program?

Mr. KIKO. I think we have a lot of potential to increase the number of Wounded Warriors, and I think what we are trying to do right now is go to Member offices and publicize the fact that we do have a program here in the House for Wounded Warriors.

And just as a result of getting the word out, we are now increasing—sometimes there are newspaper articles. Sometimes you can put something in the newsletter. You know, there are all kinds of ways. But, I think that we are at sort of a higher level now. I think we could expand it much more because it is basically for the Members.

Mr. TAYLOR. Is there anything you guys have that you could share with us that we could share with constituents?

Mr. KIKO. Yes, we have all kinds of stuff.

Mr. TAYLOR. Excellent. I would love to get that.

Mr. KIKO. We can do that.

HOUSE CYBERSECURITY PROGRAM

Mr. TAYLOR. I have one more on cyber. This is my own curiosity. I know you guys are getting, you know, a lot of attacks, of course, like a lot of agencies around the government are. And you guys are working hard to prevent those. I appreciate that.

Quick question on that: Is there any sharing going on currently, now, interagency, of data of attacks and so there can be perhaps an established pattern? And, again, this is just my own curiosity for——

Mr. KIKO. Yeah, we are working with other Executive Branch agencies, and the sharing program has gotten a lot better within the last year, and we are upping it. And what we would like to do is really get something that is not necessarily based on who you know in the agency because of previous jobs. We would like to really standardize the process on sharing information.

Mr. TAYLOR. Sure.

Mr. KIKO. But it has been increased, and there is sharing with Executive Branch agencies.

Mr. TAYLOR. Just one quick followup: Is there someone that is taking the lead on that that is saying, okay, we are collecting all the data that is being shared and we can establish a pattern? We talked about state-sponsored cyber attacks so we can establish a pattern on who it is and potential attribution.

Mr. KIKO. We have the CAO's information security officer right here. He has the lead. There are other committees, like Committee on House Administration, that have been very aggressive in that, as has been the Leadership. So that is what we are working to-

ward. But we do have periodic meetings on sharing information and stuff like that. We just have to be a little more aggressive in nailing it down further.

Mr. TAYLOR. Thank you.

Thank you, Mr. Chairman.

Mr. YODER. Thank you, Mr. Taylor.

Ms. Wasserman Schultz.

REVIEW OF HOUSE CYBERSECURITY PROGRAM

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

My first questions are for the IG. So if we could ask her to join the table, I would appreciate it.

Mr. YODER. If you can state your name for the record, please.

Ms. GRAFENSTINE. My name is Theresa Grafenstine. I am the Inspector General of the House.

Mr. YODER. Thank you. Welcome to the Committee.

Ms. Wasserman Schultz.

Ms. WASSERMAN SCHULTZ. I wanted to ask you about the opportunities that you have had to review cybersecurity in general and the challenges that we are facing in the House of Representatives.

Mr. Kiko referenced in his testimony that that is his highest priority. It is the biggest portion of his budget request. In your review of the cybersecurity of the House of Representatives and the vulnerabilities that we have, have you examined Members' use of outside applications that are not part of the House IT infrastructure?

Ms. GRAFENSTINE. No, we have not. But that is actually something we have been in discussions with House Administration to put onto the audit plan. We have not traditionally looked at outside applications, whether it is Dropbox or some of the other—Gmail, some of the other popular applications.

USE OF IT APPLICATIONS

Ms. WASSERMAN SCHULTZ. Do we have any sense of—and I will ask the same question of the CAO. Do we have any sense of how many Members use an outside application that is not subject within the infrastructure of the House IT network?

Ms. GRAFENSTINE. I would have no way to base that estimate.

Ms. WASSERMAN SCHULTZ. Is there a rule that is applicable that suggests that Members shouldn't be using applications such as Dropbox and other applications outside of the IT network?

Ms. GRAFENSTINE. I would want to research it before I answer that definitively. I do not know offhand.

Ms. WASSERMAN SCHULTZ. Mr. Kiko, can you answer the same questions?

Mr. KIKO. Is there a rule?

Ms. WASSERMAN SCHULTZ. Yes. What is the policy of the House of Representatives when it comes to Members' use of outside applications that are not part of the House—protection of the House IT network?

Mr. KIKO. Well, we discourage some of that just because outside people can then have access to what is in Members' accounts. It depends upon, I guess, what is on it. It depends upon what would be

on the Dropbox and whether people could get inside the House network through that.

HOUSE IT SECURITY POLICIES

Ms. WASSERMAN SCHULTZ. So there are no specific rules against Members using applications outside of the House IT network and the protection of the cybersecurity—

Mr. YODER. Sir, could you come forward and state your name for the record?

Mr. RAMSEY. My name is John Ramsey. I am the Chief Information Security Officer.

Ma'am, we have two House IT security policies. House IT security policy 2 directs that all House data will remain on House devices. And then, within the last 18 months, we published House IT security policy 17 on cloud and emerging technologies that allows, with the appropriate risk reviews from the security perspective, technology perspective, legal perspective, financial perspective, that with CHA approval, that House data can reside on some cloud services.

Ms. WASSERMAN SCHULTZ. So, if a Member is using an application outside of the House network, they need to go through an approval process in order to do that?

Mr. RAMSEY. Yes, ma'am.

Ms. WASSERMAN SCHULTZ. Okay. And that is since when?

Mr. RAMSEY. January of 2016.

Ms. WASSERMAN SCHULTZ. So, as of January of 2016, if a Member is using an application outside of the House infrastructure and the protection of our cybersecurity network, they are in violation of House policy?

Mr. RAMSEY. Of the House policy 17, yes, ma'am.

Ms. WASSERMAN SCHULTZ. But before that, they would not be in violation of the House policy?

Mr. RAMSEY. The House policy before that just indicated—House policy 2—that the House data should be residing on House devices.

Ms. WASSERMAN SCHULTZ. So, if an application is being used and the information is on a House device, then that was within the rules?

Mr. RAMSEY. If the actual application is on premise on a House device as far as the origin versus a cloud service, that is correct.

Ms. WASSERMAN SCHULTZ. Are Members monitored? Does the CAO's Office examine whether Members are following these rules? How is it enforced? And, you know, how do you make sure that—if you are concerned, as you say you are, about protecting the information on the House IT network, how are you actually enforcing that and making Members aware that the policy is that they either need to get approval to use an application outside of the network or, prior to that, that it needed to be on a device within the House network, not outside of it? How did you do that?

Mr. RAMSEY. Yes, ma'am. As far as in relation to the risk associated with what that external entity might be, our firewalls have various categories that are assessed from third-party vendors that are looking into the security risk associated with those outside vendors, and those that are classified as critical or high risk to the House——

Ms. WASSERMAN SCHULTZ. No. I am asking you, how have you communicated with Members of Congress about the use of outside applications and whether or not their usage of outside applications is compliant with House policy?

Mr. RAMSEY. When the policy came out, ma'am, we sent some targeted communications out to the various IT systems administrators that services the Members.

Ms. WASSERMAN SCHULTZ. But it is safe to say that you have not applied any consistent enforcement or checking to make sure Members are compliant with the policy?

Mr. RAMSEY. It would be consistent in regards to the risk associated with the actual applications that are being used. If those applications are considered critical or high risk or might be known with state-sponsored actors, those applications——

Ms. WASSERMAN SCHULTZ. Well, let's say a Members' use of Dropbox. If a Member is using Dropbox and they have not gotten permission since January of 2016 to use Dropbox, according to the policy and prior to January, there wasn't a policy where you would have to get permission, but you had to only use applications or information on a device inside the House network, what was your enforcement policy related to Dropbox specifically?

Mr. RAMSEY. The House Administration Committee one was enforced with policy 17, ma'am. They had actually authorized Dropbox through October of last year. And as of October of last year, we have done two security risk assessments of Dropbox, and we recently have received additional approval from the committee on it starting to enforce the blocking of Dropbox as well as a couple other applications.

Ms. WASSERMAN SCHULTZ. Starting to enforce the blocking of the usage of Dropbox?

Mr. RAMSEY. Yes, ma'am.

Ms. WASSERMAN SCHULTZ. So Members are not supposed to be using Dropbox at this point?

Mr. RAMSEY. According to the policy.

Ms. WASSERMAN SCHULTZ. But before October of 2016, Dropbox was authorized for usage?

Mr. RAMSEY. It was, ma'am.

Ms. WASSERMAN SCHULTZ. Okay. Thank you very much. I will ask questions on the next round.

Mr. YODER. Thank you.

PERSONAL EQUIPMENT ON THE HOUSE PLATFORM

Mr. YODER. Ms. Wasserman Schultz raises an interesting thought that I would like to follow up on a little bit, and that is, as Members of Congress, we go to great lengths to protect the data that is on desktop computers in our offices. But we know that because many Members use personal emails, personal devices, home computers, that there could be additional exposure there.

Mr. Kiko, this would be a question for your offices in terms of what sort of steps have we gone through to try to protect the data of Members of Congress that have information that would be on a personal device or on a home computer that isn't going to be protected under the great wall, you know, firewalls of the House of

Representatives? And are there vulnerabilities there, and how can we engage in that?

Mr. KIKO. I think that if you are using House mobile devices, iPads, iPhones, everything, we are fairly certain that things are fairly secure. But when you start communicating into the House, you know, let's say on a private—it gets a little——

Mr. YODER. Personal cell phone, personal iPad?

Mr. KIKO. Right. It gets trickier. And I do think that because of all the stuff dealing with cybersecurity, I think, going forward, we are going to try to look at these issues in a really hard kind of way and basically work with this Subcommittee and work with the House Administration Committee and other Members to see if there is a way that we can give some guidance, to reduce the cybersecurity threats, because we are only as strong as our weakest link.

FY2018 CYBERSECURITY REQUEST AND POLICY CHANGES

Mr. YODER. Well, that is right, and this clearly is a very emerging issue in politics today and certainly sort of build a better, you know, mouse trap situation. This is an issue we have to stay on top of.

And I know that your budget, you have got a 25-percent increase in funding for your IT department, $16 million to go to cybersecurity. So funding, as we know, is a part of this matter. And we know that, as these budgets go up, part of it is going to be related to additional support and personnel required to build better security measures.

Beyond the dollars, are there policy changes that you would recommend to the House or, you know, structural changes that we should be considering?

Mr. KIKO. Yes. You just can't spend your way out of that. But we are looking at ways to strengthen things through—specifically, in one aspect, through contracts with vendors. We want to conduct cybersecurity assessments of their systems and their contracts of the vendors. We want to assess them to see whether they are in compliance with what our standards are.

We want them to notify the House of cybersecurity instances that they have that could affect us. We want to provide the House—them—we want to have the vendors provide the House with full access. If they have an incident, we want to know about it, and we want to be able to audit it to see. And we want them to fully cooperate with our efforts to look at their systems to see if there is a vulnerability there.

We also, with regards to some wireless devices that Members have, we want the most up-to-date operating software on it so if we do have a situation like we had over the weekend, we can patch it real fast or we can patch things and it is not old equipment. And we would like to have 100 percent compliance with the cybersecurity training that we have. We have close to that. But we are really just trying to increase awareness of all the staff about what you should do, and it is pretty decent training.

And one thing is, on international travel, we have been pushing really hard to have Members and staff not use their phones from here on international travel because they can be compromised very easy. We may be pushing to have that as a requirement.

And we are also trying to lessen unnecessary access to the House network with what is called privileged access because I think too many people have access to things other than just emails that they really don't need to have. So we are going to try and reduce that.

And, finally, I know we are working with some other Members and committees on this, but we would like to have a sort of House-wide approach to equipment purchasing and software installation. We would like to know of the whole chain of procurement, to make sure that it is safe. And I think if we have that standardized a little bit more, we can get a better bang for the buck, but we can also increase our cybersecurity posture better if everything is somewhat standardized.

Does that make sense?

Mr. YODER. Yeah. Thank you for the answer.

GARAGE SECURITY INITIATIVE

I am going to give you a little bit of a break and move to Mr. Irving for a second. While we are on the topic of security, if you might talk just a little more about the Garage Security Initiative and the resources needed for that, timetable, completion date, and the achievements that have been made in that project.

Mr. IRVING. Thank you, Mr. Chairman.

We have actually made some huge strides in that endeavor. We have just completed the first phase of the security portion, which entails the ability to lock down all the doors in the House garages if we need to. So, if for some reason we need to lock those doors down, if we had an intrusion in the campus, we have an ability to do that.

The next phase of the garage security will be contemporaneous with the garage rehabilitation project of the Rayburn, which is four phases during the next 4 years. And as the garage rehabilitation is unfolding with a lot of the Architect's work on refurbishment of the concrete, what have you, there will also be buildout of some of the lobbies, expanding the lobbies, adding some elevators that will increase the people flow for screening, some of those main lobbies that would take screening.

The goal here is to ensure that everyone that comes into the garage gets screened just like they would coming in from the outside. So that is coming along quite well. We are in the first phase of the garage rehabilitation of the Rayburn. So we have another three phases, 3 more years, to go.

Once the construction is done, then the challenge will be the FTEs, the Capitol Police full-time equivalents, the Capitol Police personnel to actually staff the five screening areas. The good news—there has been some discussion early on of the volume of people and the fact that we have now minimized the number of screening sites in the garage. The good news is, if we look at the initial garage security that has taken effect in the East and West Undergrounds, we have two screening sites. That garage is self-contained, fully secure, and it is operating very, very well. So just those two—there was concern that narrowing those two from three or four was going to cause a backup, and it has not. And the volume of the ratio of people in the Rayburn to the five entrances that we are looking at will be the same. So we are pretty optimistic that

we are really going to have a successful program. But it is several years away.

We are in the process now of not only going through the second phase of the construction but also beginning to close doors to those that eventually will be the ones that the public or the staff will use to enter, you know, the building, to get everyone accustomed.

When Rayburn was built, there were 80 or 90 doors. There was a door literally every 10 feet. So now one maybe just has to maybe walk 15 or 20 feet. So we are just in the process of closing off some of those doors and getting everyone accustomed to walking a little further or picking another door.

Mr. YODER. And one of the things we talked about is that Members may have access to doors that are secured that don't have screening through a key card system.

Mr. IRVING. Yes, absolutely. Members, as you know, do not undergo screenings. So they will have the ability to utilize pretty much any door they want. And we will make sure that they have a passcard to get them so that—again, the goal here really is to minimize the effect on business process of the institution while also trying to implement as much security as we can.

Mr. YODER. When is the completion on that?

Mr. IRVING. The completion would be 2022 actually, 2021, 2022. So we are a few years off. We have thought about implementing and trying to implement an interim garage security program earlier than that. But that is a challenge with full-time equivalents for the Capitol Police, the buildout. So we might be able to do something sooner. I will keep you posted on that.

Mr. YODER. I appreciate that.

Mr. Ryan.

Mr. RYAN. Thanks, Mr. Chairman.

HOUSE OF REPRESENTATIVES CHILDCARE CENTER

I want to make sure we get our money's worth out of Phil today. So I have a question for him. I want to talk about the daycare center. I know that is another issue with the wait list with regard to staff and their children. And I understand we are looking into the possibility of expanding that. Can you talk a little about that process, where we are with that?

Mr. KIKO. The Architect's Office has the lead on looking into expanding the daycare center, whether it would be expanding it within the Ford Building itself because we have space, extra space now in O'Neill, or whether it would be O'Neill, or whether it would be a combination of both.

And I think that the Architect's, they have the lead on it. They are doing a study on various options that one would have on expanding the daycare center. Personally, I would really like to greatly expand the daycare center so we have a lot more parents and children up here on campus. It would make it easier.

So I think there is a great opportunity to do that, and that is what we are looking at. We are not looking at ways to—not to do it. We are looking at how can we expand it, what is the right way to do it, taking into account working with various organizations and stuff on the needs of it and that.

But I think hopefully there will be a study that will be done in the next few months, and then we will be able to sort of take a look and make some decisions.

Mr. RYAN. Great. What is the wait list now? Do you know off the top of your head?

Mr. KIKO. No. I think it might be a couple hundred. It is large.

Mr. RYAN. A couple hundred kids?

Mr. KIKO. I think so. I don't know the exact number, but I think it is around that number, 150 to 200.

Mr. RYAN. How long do you have to be on the wait list? I just thought of this question. I wanted to ask it.

Mr. KIKO. Sometimes people are on it for several years.

THE O'NEILL HOUSE OFFICE BUILDING

Mr. RYAN. So, Paul, the expansion, O'Neill, how are we doing with security with regard to that?

Mr. IRVING. Doing well. Capitol Police has conducted a security assessment of the building and is prepared to staff it, June 8, when it opens. So that is going well. We are very much appreciative of the committee to assist in funding for that endeavor.

So they will take over the building. It will probably—we are reviewing right now some of the business process that the Federal Protective Service had implemented, you know, versus now to see if the door is open. We have to change our business process again a little bit now that it is a legislative branch building.

But we are also working very closely with HHS, and I know the Architect is working right now on an agreement between HHS and the legislative branch. So a few moving parts there—how to screen mail. And our mail screening protocol is a little bit different than theirs, et cetera. But, all in all, it is going well, and we expect to be—we will be operational on the 8th and have full security with Capitol Police on that day.

Mr. RYAN. Great.

No further questions, Mr. Chairman.

Mr. YODER. Thank you, Mr. Ryan.

Mr. Amodei.

Mr. AMODEI. I think I will take everything I have got offline since none of it is—although, I do find it an interesting hearing when we talk in one context about wellness and then menus and then reduction of stress. It is quite a juxtaposition of issues, and I am still trying to get my head around that.

But I do want you to know that I don't know what Dropbox is. So I think I am on the right start.

I yield back.

Mr. YODER. Let the record reflect that.

Mr. AMODEI. As it should.

Mr. YODER. Mr. Taylor.

Mr. TAYLOR. Sure. Thank you, Mr. Chairman.

HOUSE RULE ON COMPARATIVE PRINTS

Ms. Haas, where are we at in our efforts to reach compliance with the new House Rule on Comparative Prints?

Ms. HAAS. So we are doing quite well actually. We have entered into contracts with two vendors. We meet with them weekly. We

expect to have a prototype available for testing in October. So that is the target. But we are aggressively pursuing it.

One of the positives is that the two vendors that we are using have already been doing work in the House. They are very far along in the work. So we fully expect to be able to meet the December 31 deadline.

Mr. TAYLOR. Excellent.

HOUSE SECURITY FOR PARKING LOTS, GARAGES, AND KIOSKS

And, Mr. Irving, the consistent presence at garages and parking lots, what does that entail, and currently, with certain gates and kiosks that are closed at night, will that remain the case? Will that change?

Mr. IRVING. Yes. We carefully monitor the usage of the various kiosks. We try to enhance our presence on the external portion of the campus, especially when we are in session, because of the fact that it is a very open campus. We are continuing monitoring, again, which kiosks remain open, which doors remain open. We work very closely with this committee and the Committee on House Administration in furtherance of that.

I would expect everything to remain as is as we move forward. The only difference for the garage security would be some of the interior doors. Once you drive into the garage, you would be funneled to one of fewer doors than what you have now so you can get screened. But no real impact on the exterior of the premises.

Mr. TAYLOR. That is all I have got, Mr. Chairman. Thanks.

Mr. YODER. Ms. Wasserman Schultz.

HOUSE POLICIES REGARDING TECHNOLOGY

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

Given the IT director's answers to some of my questions, Mr. Kiko, I would like to know why, if we established a rule in October that Members are not to use Dropbox, why throughout I don't know how long we have only been engaging in targeted informing?

If there is a rule and a policy, particularly relating to our cybersecurity and protecting our network, wouldn't you think that you would have a policy where you inform every single Member and that we actually have a meeting with each Member's tech person so that you can inform them exactly what the rules are, what is allowable, what is not allowable?

I mean, it would seem to me that we are leaving gaping holes in our cyber network, our cybersecurity network, if every Member isn't informed and every office isn't well aware of what is appropriate for use and approved and what isn't.

Mr. KIKO. I just want to confirm what I thought that—we do inform every IT person, IT administrator, in every congressional office of the change. And if that is not enough, we can make it every Member.

Ms. WASSERMAN SCHULTZ. I am more than happy to admit that I use Dropbox. I have used it for years and years and years. It is not blocked. I am fully able to use it. And I bet every other Member that uses Dropbox is fully able to use it as well. So there is a vulnerability in our network in spite of the fact that you say that you have taken steps to address it.

And there is not a policy that applies across the board, and you need to make sure that you tighten up your rules and policies so that you can really assure us that you take seriously protecting our network.

Mr. KIKO. I will ensure that there is broader dissemination in the future.

Ms. WASSERMAN SCHULTZ. You were not sure that every Member has a tech person and had to ask your director that question just now. So it would be imperative, if we are genuinely concerned about making sure that we can't have breaches from the outside and that data isn't flowing in the wrong direction, that you have a formal process, not just lob an email into a tech person's inbox——

Mr. KIKO. Okay.

CAPITOL POLICE BOARD AND THE CHIEF OF THE CAPITOL POLICE

Ms. WASSERMAN SCHULTZ [continuing]. But bring people together and make sure Members know what the policy is as well.

Okay. I have a question of Mr. Irving. So, Chief, you know that I have asked questions of you about the appropriate layout of the Capitol Police Board. And for the members that aren't aware, the Chief is not a full member—the Chief of Police is not a full member of the Capitol Police Board. He is an ex officio member.

And that is a setup that has crippled our ability to conduct oversight from this subcommittee. The Senate cannot question our Sergeant, and we can't question their Sergeant. The Chief is left to answer questions that frankly were set in motion by the Capitol Police Board.

And so I would like to know, Sergeant, if you think that we should be looking at restructuring the way the Board makes decisions so that we can establish a more direct line of accountability in our oversight role.

Mr. IRVING. Okay. Thank you for that question. On background, the Chief is an ex officio member because, from time to time the Capitol Police Board, namely, myself, Frank Larkin, the Senate Sergeant at Arms, and Stephen Ayers, the Architect, will make a decision that will impact him, namely his performance evaluation. So he is not in every meeting.

Having said that, even though he is an ex officio member, he is in every Capitol Police Board meeting, and we treat him as an equal member, an equal partner of the board. So he really is very, very important.

Ms. WASSERMAN SCHULTZ. I mean, at the end of the day, he doesn't have a decisionmaking role. He doesn't have a vote. He has no ability to actually affect, if there is a disagreement, the outcome of a decision made by the Capitol Police Board. He just has to execute it.

Mr. IRVING. I will say that we listen to the Chief, and when we vote—we rarely vote because most of what we do is on a consensus basis—his input is invaluable. I can assure you of that, and I want to assure the committee of that.

We do treat him as an equal partner. He has tremendous experience. He has over 30 years of experience in this department. And

I will say that his opinion is invaluable, and we do treat him as an equal member of the Board.

Ms. WASSERMAN SCHULTZ. And I am confident that you have confidence in this Chief. But there are times through the years—and I have been involved with this for over 10 years now—that you have not had confidence or we have not had—you know, the Board—total confidence in the Chief.

And when there is an erosion of confidence, wouldn't you say that there is less likely to be the ability for the Chief, who is in charge of the entire police department and his policies, to exercise his or her judgment over what the best approach is?

Mr. IRVING. Yes. But I will also say that the Board lets the Chief be the Chief: namely, we allow the Chief to conduct the daily business of the Capitol Police. We—the Board—only get involved with major policy decisions, something the Chief may want to do that affects the business process, as I have alluded to, of the institution, something that affects Members and how we do business here.

But, generally speaking, day in and day out, we let the Chief run his department and manage it and don't interfere with that.

Ms. WASSERMAN SCHULTZ. How much of the Capitol Police's budget would you say is directed by the Board, and how much is directed by the Chief and his leadership?

Mr. IRVING. I would say 95 percent is the Chief and his leadership. The Chief presents his budget to the Capitol Police Board for approval. And most times, I would say 9 times out of 10, we approve it as is. Sometimes we will tweak it a little bit if we think that he needs to go and allocate more resources in one area or another.

An example of that, by the way, a recent example was after we had some terrorist attacks overseas in Paris, Brussels, several years ago. The Board convened a meeting and requested the Chief to look at implementing additional security to increase an exterior security posture.

So many initiatives or a number of initiatives are Board initiated, but I would say the bulk of the day—of the regular order fiscal year budgets are the Chief's.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, we have had jurisdictional issues and a challenging time conducting oversight because of the structure of the Capitol Police Board and there being a dotted line rather than a direct line to us in terms of being able to hold the Board accountable, which is, at the end of the day, completely responsible for all of the policies of the Capitol Police.

And I know we will have an opportunity to question the Chief, except that the reality is that the Chief is hired by the Board. So we are almost never able to really get direct answers from him in this setting. So I just wanted to bring that to the committee's attention.

Thank you.

Mr. YODER. Thank you, Ms. Wasserman Schultz.

Anyone else have any questions for our witnesses?

Ms. WASSERMAN SCHULTZ. I do have one additional question.

VOTING CARD CHANGES

Mr. YODER. Okay.

I might ask Ms. Haas a quick question about the voting card changes in the House because I am sure our colleagues will ask us about that and what the purpose of it is, what the changes will be, how it will affect them. Could you just quickly run through what we are doing there, what it is costing us, what the improvements are, what the upgrades are, and why it is necessary.

Ms. HAAS. Sure. So we have, for several years, continued to do upgrades to the electronic voting system. This particular upgrade is to the voting stations themselves, which includes all the cabling that lies under the floor. So, as I mentioned in my testimony, the cabling was completed last August.

We currently are testing the prototype of a new station. For the Members' use, once we deploy it, there is not going to be a significant difference in the look or the usability. Some things that we are adding to it, though, functionally, we are going to have braille for visually impaired Members. We are also going to have a display panel that we can use for different purposes. So that will be—really, the only change of the look of it. It will operate the same. The improvements are behind the scenes in improved technology.

There is nothing wrong with our system. We have a wonderful system, but the technology has aged. So we want to bring it up to speed. And the cards that we have, the voting cards that you all use, the technology in those cards are also older. So they are more difficult for us to get. So that is part of what pushed us to do this latest renovation on the system.

So the newer cards also will look the same and function the same. From a Member's perspective, the hardest thing will be, whenever we do deploy this, is you will have to get new voting cards. The voting cards that you currently have will not work in the new system.

Mr. YODER. Do you expect that after the August break, district work period, that we would come back?

Ms. HAAS. That is what we are working toward. But, again, I am very concerned. Right now, we are testing a prototype that hasn't been made smaller yet, and so we have a lot more testing to do. So, if the testing is not complete, we are going to need another expanded recess period to install.

Mr. YODER. All right. Thank you for that.

Mr. Moolenaar.

WOUNDED WARRIOR PROGRAM INFORMATION CAMPAIGN

Mr. MOOLENAAR. Thank you, Mr. Chairman.

Just one question. We talked a little bit or you had mentioned your Wounded Warrior Project, I wondered if you could talk a little bit about that. You mentioned it in your testimony, but could you tell us what you are doing to build support and expand that in working with different offices?

Mr. KIKO. Yes. What we are trying to do is we are trying to get the word out that there is a Wounded Warrior Program on the Hill. And we are trying to encourage Members to get the word out, if they hire in the Wounded Warrior Program, to do a press release, you know, with the Wounded Warrior when they hire him or put out a release that you want Wounded Warriors.

We are going around to different—like the Veterans Administration or other areas, Defense Department facilities, pitching the Wounded Warrior Program because we want people to apply as well. So it is just not on the Members, but it is also on the services. So we are getting in touch with the services to have them come to the House.

And right now, it is basically—we think we have the capacity for a while to continue to fund the Wounded Warrior Program at the level that it has been. Maybe, in several years, it may have to be increased depending upon, how many people apply. But we think there is a lot more people.

And it is equally funded—Republican and Democrat Members equally use them. Some use them in the District Office. Some use them here in town. And we actually have a program where it used to be just a couple of hours, but now we have a 2- or 3-day orientation program for Wounded Warriors when they come into town on what to expect and those kinds of things.

But we are just trying to get the word out, and that is what we are doing. We are very aggressive on this, and maybe we need to be more aggressive, and maybe you need to hear from us more. Is that fair?

Mr. MOOLENAAR. Thank you.

HOUSE CHILDCARE CENTER WAITING LIST

Mr. KIKO. Oh, and I just wanted to answer one question. The childcare center waiting list, it is more than I thought. It is 266.

Mr. RYAN. We will let it slide this time, Phil.

Mr. YODER. Mr. Ryan.

Mr. RYAN. I am good.

Mr. YODER. Mr. Taylor.

Ms. Wasserman Schultz to wrap us up.

Ms. WASSERMAN SCHULTZ. Thank you.

COST OF FOOD IN HOUSE CAFETERIAS

Just a few, last couple of questions because I have spent a lot of time over the years dealing with the quality and cost of the foods in our cafeterias. And I appreciate you going through the efforts that you have made to improve it, but the food is still terrible and the prices are still too high.

And I don't know what the green or the red means on the graph that you held up, but if I had the pictures with me of some of the barely able to be described as food that some have sent me, you would be appalled. The experiences that I know staff has had and that I have had, many of their staff are rude and not customer friendly; beyond that, the food being really of poor quality and the prices being too high.

In the survey that you have done, are we going to have an opportunity to be briefed on the results of that customer satisfaction survey?

Mr. KIKO. Yes. We are putting it together right now. And we want to look at the raw data, and we want to look at how they use the data, but, yes, we will brief you.

Ms. WASSERMAN SCHULTZ. Okay. Do you expect further price increases coming from Sodexo?

Mr. KIKO. I am not sure. I think that—under the contract, they are allowed to request the price increase every year. And so I don't know whether they are going to, but I think they may be—or may not be—under the contract, they could request another price increase.

FOOD CHOICES

Ms. WASSERMAN SCHULTZ. They would have a lot of nerve requesting a price increase unless they improved dramatically what they offer in the cafeterias.

Have you examined whether there are adequate healthy choices and vegetarian options for staffers? We have a lot of vegetarians among our staff.

Mr. KIKO. No, I will take a look at that. But they are supposed to have a healthy food option. But I will dive into that a little bit more. I know they are very into wellness in their organization.

Ms. WASSERMAN SCHULTZ. That would be great.

CURRENT STRUCTURE OF THE MEMBERS DINING ROOM

And then on the Members' Dining Room, you were doing a review of the current structure of how the Members' Dining Room is run. I realize it loses money and isn't frequented very much, and I don't think it has gotten any better since the restructuring. What is the status of the Members' Dining Room, and are there any anticipated changes or formal assessments?

Mr. KIKO. We have spent a considerable amount of effort on the Members' Dining Room. We have a new chef, who is very good. We have been trying to have better food offerings. We have been trying to have it so that you get your food faster; it is not cold. It is those kind of things.

I would be happy to brief you on it, but I would like you just to go over there and see what your thoughts were, because there has been a major effort. I think recently we had more Members use the Members' Dining Room, I think, right before this recess than ever has.

Ms. WASSERMAN SCHULTZ. Is it still buffet style and unlimited order?

Mr. KIKO. It is buffet, and you can order—yes. But we are trying to make everything better because Members bring a lot of constituents in. And we basically said, "Look, this is supposed to be a premier service. It is not supposed to be a middle service." And we have been emphasizing that. And I am sort of hoping—there has been more personal attention by the chef and by the people that manage the Members' Dining Room on some of this.

Ms. WASSERMAN SCHULTZ. Did you include that in your customer satisfaction survey?

Mr. KIKO. I think we did. It is for everything. So I am sure it would have been part of that.

Ms. WASSERMAN SCHULTZ. Okay. So if you wouldn't mind briefing me on the results.

Mr. KIKO. We will.

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

CHAIRMAN CLOSING REMARKS

Mr. YODER. Thank you, Ms. Wasserman Schultz.

Thank you to our witnesses today for your testimony and your answering our spirited questions.

As the Committee knows, we are doing two hearings today and two hearings tomorrow, so it is sort of like Ohio State football doing two-a-days getting ready for the upcoming season. And so, at this point, the subcommittee will adjourn until 2 p.m. This afternoon when we will hear from the Architect of the Capitol.

[Further prepared statements for the record follows:]

Statement of Theresa M. Grafenstine, Inspector General
Office of Inspector General
U.S. House of Representatives
Washington, DC
May 17, 2017

Before the House Subcommittee on Legislative Branch Appropriations

Chairman Yoder, Ranking Member Ryan, and Members of the Subcommittee, I thank you for this opportunity to highlight the important work of the Office of Inspector General (OIG). The OIG was established in the U.S. House of Representatives (House) by House Resolution 423 *"House Administrative Reform Resolution of 1992"* during the 103rd Congress to conduct periodic audits of the financial and administrative functions of the House and of joint entities. Since the first Inspector General of the House was appointed in November 1993 the OIG has added value to the House by working closely with House Leadership (Leadership), the Committee on House Administration, House Officers, joint entities, and this Subcommittee to improve the operations of the House, reduce inefficiencies, minimize costs, identify and prevent fraud, and mitigate risk. In addition to providing traditional audit services, the OIG provides proactive analysis and guidance in the improvement of House operations through its management advisory services. Due to the importance of information technology and cyber security, the OIG continues to provide robust technology assessment and risk expertise to the House.

We formulated our Fiscal Year (FY) 2018 budget request to adequately fund the OIG's vital mission at the House and it is consistent with our history of fiscal stewardship; demonstrated by our self-imposed budget reductions in previous years. For instance, our FY2013 budget request included a self-imposed cut of $353,000; a 7 percent reduction. We have also internally absorbed mandatory Cost of Living Allowances for FY2014, FY2015, FY2016, and FY2017. As a result, the OIG FY2017 budget was only 0.8 percent more than our FY2009 appropriation. Our fiscal stewardship is also evident in our cost-cutting measures and proactive release of funds for reprogramming when our operational and mission funding requirements do not match our budget estimates.

We are proud to have been able to make these cuts without impacting the quality of service that we provide to the House. We have accomplished this primarily by investing in staff training, thus minimizing the need for outside technical experts, and by restructuring the annual financial statement audit contract; our largest contract expense. It is important to note that while the OIG uses contract subject matter experts sparingly, we do budget a minimal amount for their use to ensure that the OIG can quickly respond to special projects or to meet the fast-paced changes to the ever-increasing diversity of technology used at the House.

The OIG consists of 25 Fulltime Equivalent (FTE) staff. Our staff are experienced and dedicated professionals, all of whom possess a bachelor's or advanced degree, one or more professional certifications, and extensive public or private sector work experience. Currently, the OIG has thirteen ongoing audits and advisories in various stages of completion.

HIGHLIGHTS OF THE OIG'S WORK

DURING THE SECOND SESSION OF THE 114TH CONGRESS

The OIG's objective, value-added reviews have helped to significantly improve the House's financial management, administrative processes, workplace safety and security, the security of House data, and the information technology infrastructure. The OIG issued ten reports during the second session of the 114th Congress, which spanned the diverse range of services the OIG offers including financial, performance, and information systems auditing services; management advisory services; and investigative services. We have also issued six reports so far in the 115th Congress and have two reports pending approval from the Committee on House Administration prior to issuance.

Financial Auditing Services. Financial audits review the effectiveness and efficiency of House financial operations. A major portion of this effort involves our oversight of an external certified public accounting firm's annual audit of the House financial statements. Since the fiscal year (FY) 1998 audit of the House financial statements, the House has received an unmodified opinion for the financial statements. An unmodified opinion is the best rating given by auditors. It states the House's financial statements present fairly, in all material respects, the financial position and results of House operations in conformity with U.S. generally accepted accounting principles. The external auditors closed the prior year's significant deficiency related to ineffective controls over financial reporting processes. However, two significant deficiencies relating to ineffective controls over information technology and property and equipment remain. The auditors identified no instances of non-compliance with applicable laws and regulations. The audit report for the FY2016 Financial Statements Audit was submitted as a draft and is pending final approval to publish and release.

Performance Auditing Services. Performance audits evaluate the efficiency and effectiveness of the House administrative functions and the adequacy of internal controls over these functions, to include benchmarking policies and procedures against best business practices. During the second session of the 114th Congress, examples of our performance audits have included the management of House safes and a review of the Bulked Frank Mail processes.

Audit of House Safes. Our office performed an audit of the House safes. The audit disclosed that processes and controls for managing House safe combinations need improvement. At the time of the audit, CAO's Logistics and Support (L&S) Division was responsible for the administration of freestanding safes. We determined that the Sergeant At Arms' (SAA) Office of House Security (OHS) was the appropriate office to manage House safes, since they are the House experts on securing classified information. As a result, management of House safes was transferred to OHS and L&S provides only logistical support. We also recommended that outreach and education to House staff on best practices for storing classified information be enhanced.

The Architect of the Capitol (AOC) is responsible for the built-in safes located in House offices, including managing the combinations related to those safes. We also reviewed AOC's processes

related to management of built-in safes and issued a separate memorandum to the AOC, which included a recommendation for improving the management of built-in safe combinations.

Audit of Bulk Franked Mail. We performed an audit of bulk franked mail processes at the request of the Committee on House Administration (CHA) after they received complaints from Member offices of inaccurate billings and mass mailings delivered outside of agreed upon mailing dates. The CAO oversees the mail services contract, which includes franked mail. Our audit concluded that the CAO needs to improve oversight and management of the mail services contract and improve the franked mail billing process. There are also opportunities to improve outreach to better educate Member staff on how mass mailings are processed and how to reduce costs.

Information System Auditing Services. The OIG conducts information systems audits of computer security, operating systems, information systems, network hardware and software, and the information resources management function in the House. These audits assess the confidentiality, integrity, and availability of House information resources and evaluate the adequacy and effectiveness of House policies and procedures related to information systems. During the second session of the 114th Congress, we conducted email phishing campaigns and performed an audit of PeopleSoft's infrastructure security. In addition to auditing information systems, the OIG supports the House Cyber Security Program by providing input on proposed information system policies and independent assurance on cyber defenses.

Email Phishing Campaign Assessment. We conducted several simulated email phishing or spear-phishing campaigns with the assistance of an independent firm. Phishing is involved in 91 percent of targeted attacks against government agencies and corporations. The House did well relative to national averages; however, it only takes one user that believes a phishing email is legitimate to put the entire House network at risk. We recommended the CAO's Office of CyberSecurity commence their planned phishing campaign as part of their overall security awareness program to educate House email users about the dangers of phishing attempts, including capturing metrics to evaluate whether the campaigns result in an increased awareness among House email users.

Audit of PeopleSoft Infrastructure Security. Our audit identified several opportunities to improve processes and procedures supporting PeopleSoft's infrastructure as well as user access controls, and data encryption. We made specific recommendations that when implemented should decrease the risk that House sensitive data will be compromised and unnecessary and/or unauthorized user activities will go undetected.

Management Advisory Services. While audits look at past performance and conditions, there is always the need to look forward to identify emerging risks and opportunities. This is where our Management Advisory Services add tremendous value. In this area, the OIG continues to assist the House in identifying ways to proactively improve the effectiveness and efficiency of House processes and operations. Historically, our advisory services have included work in the areas of emerging technologies, systems development, service and business process

improvement, as well as risk management. During the second session of the 114th Congress, examples of our advisory projects have included assisting the Sergeant At Arms (SAA) in developing an information technology (IT) roadmap and performing a review of First Call's processes, tools, and organization.

Sergeant at Arms IT Roadmap. The SAA requested the OIG conduct a management advisory effort to assist them with the development of an information technology (IT) roadmap. We focused on developing alternatives for the SAA to consider around IT system capabilities, operational efficiencies, cost savings, and system consolidation. These alternatives have been used by the SAA leadership to determine the appropriate path for its IT organization.

Review First Call Support Processes, Tools, and Organization. While customer surveys indicate a high-level of satisfaction, there are several opportunities for First Call to improve the efficiency and increase the effectiveness of the management of their operations. In our report, we provided 20 recommendations that address tools and technology, organizational measures, personnel measures, organizational staffing, and improving the reporting structure.

Investigative Services. Generally through the result of audit outcomes, advisory activity, or anonymous tips, the OIG, in coordination with the Committee on House Administration, executes inquiries into sensitive allegations of fraud, waste, and abuse in the administrative operations of the House. In the event that we identify potential criminal activity that warrants a full investigation, we refer the matter to the Sergeant at Arms and U.S. Capitol Police, in consultation with the Committee on House Administration. During the 114th Congress, in addition to responding to anonymous tips and conducting inquiries to determine whether a full investigation was warranted, the OIG continued its efforts to increase fraud awareness. We helped to educate House offices about emerging fraud trends, such as office supply scams, how to protect yourself and your offices from data breaches, and safeguards to consider when using social media.

FOCUS FOR THE 115TH CONGRESS

A number of important challenges face the House during the 115th Congress. The OIG continues to do its part to contribute to a more effective and efficient House support structure by identifying and helping to mitigate significant risks to the House and highlighting opportunities for improving the efficiency and effectiveness of House operations. Approved audit work includes the FY2017 Financial Statement Audit and audits of the controls over the House travel and purchase cards. We also plan to audit the House Gift Shop and Office Supply store. In addition, we will continue to examine the controls and risks associated with information technology at the House. Specifically, we will be examining the controls over web services internal development processes as well as contracted web services. We also plan to perform an internal network security assessment. From an advisory perspective, we will be providing advisory services to the Office of the Chief Administrative Officer as they perform upgrades to key enterprise systems, look at opportunities for the House to save money through bulk purchases and leveraging legislative branch-wide

contracts, as well as continuing to provide advice as they work to improve inventory management processes.

We will continue to work closely with the Leadership, the Committee on House Administration, this Subcommittee, and the House Officers to focus on areas of significant risk and provide our independent assessments, opinions, and recommendations. In addition, we will continue to assist the House Officers' organizations and Members in fraud awareness and deterrence through our Fraud Awareness Program. I believe that the OIG's proactive, value-added audit, advisory, and investigative services will continue to help shield the House from significant financial losses, damage to the House's reputation, and delays and disruption to House financial and administrative operations.

FISCAL YEAR 2018 BUDGET REQUEST

The OIG's FY2018 budget request calls for total funding of $5,037,000. The fiscal year (FY) 2018 budget request is $74,000 or 1.49% above the *Consolidated Appropriations Act, FY2017* per H.R. 244. This amount includes $3.806 million in mandatory items associated with current staff, no price level increases, $1,256,860 for the OIG's three program's current services, and a $26,114 decrease in certain programs. Current program services includes contract funding for the annual audit of the House financial statements by an external CPA firm; enterprise software licensing and support agreements; relevant publications and resources for audit, advisory, and investigative work; supplies and equipment; staff training in order to be in compliance with government audit standards; and when necessary, specialized subject matter experts to support the wide-range of information security and technology engagements handled by our office.

Chairman Yoder, I wish to thank you, Ranking Member Ryan, and the Members of this Subcommittee for the opportunity to present the work of the OIG and its FY2018 budget request. The OIG looks forward to working with the Subcommittee and continuing our role of providing risk-based recommendations as we focus on issues of strategic importance to the House and its ability to efficiently and effectively conduct its operations in accordance with best business practices. We are proud to be able to serve the People's House in this way. I would be happy to answer any questions you may have.

STATEMENT OF

RALPH V. SEEP

LAW REVISION COUNSEL OF THE U.S. HOUSE OF REPRESENTATIVES

to the

Subcommittee on Legislative Branch

of the House Committee on Appropriations

Mister Chairman and Members of the Subcommittee:

Thank you for the opportunity to appear before you to present the budget request of the Office of the Law Revision Counsel (Office) for fiscal year 2018. Our Office appreciates the continuing support given to us by the Subcommittee and Congress.

Budget Request

For fiscal year 2018, I am requesting $3,261,000 for the Office to sustain operations with respect to existing personnel and ongoing technology needs.

Continuing Operations.--The amount of $3,261,000 represents a 2.97 percent increase over the amount appropriated by H.R. 244, the Consolidated Appropriations Act, 2017. This amount will allow for the continuation of current personnel, including salary adjustments, routine maintenance and replacement of equipment, and the continuation of service contracts for editorial work and technical support.

House Modernization Project.--Work progresses on the House Modernization Project begun at the behest of House leadership. While no additional funding for the House Modernization Project is being requested in the Office's fiscal year 2018 budget request, the replacement of the antiquated technology currently used for publishing is a priority. The Office looks forward to working with the Office of the Clerk and with the Composition System Replacement Group of the Government Publishing Office (GPO) to support their efforts to develop the ability to maintain congressional data in United States Legislative Markup (USLM) and publish directly from USLM files, both in print and online.

Functions of the Office

The principal functions of the Office are specified by chapter 9A of title 2 of the United States Code. They are: (1) to maintain and keep current the official version of the Code, and (2) to prepare legislation to enact individual titles of the Code into positive law.

Maintaining the United States Code

The United States Code contains the general and permanent laws of the United States, organized into titles by subject matter. The two primary tasks in maintaining the Code are classifying new laws and updating the text.

Classifying New Laws.--Every law enacted by Congress is read in its entirety by a number of attorneys to identify the general and permanent provisions and any amendments that should be classified to the Code and to decide where in the Code they should be placed. The Office gives the highest priority to this classification function, and the classification of a law is normally completed by the time it is signed by the President. While thoroughness and accuracy are the prime concerns, speed is also important so that classifications can be posted online and included in printed slip laws and made available to the public as quickly as possible.

Updating the Text.--Updating the text of the Code includes not only integrating new statutory provisions into existing text, but also preparing extensive editorial material enabling users to find, track, and understand the updates. This editorial material includes statutory citations and amendment notes to help track the legislative history, notes to explain such things as effective dates, transfers of functions, and a variety of other matters, tables to indicate the status of statutory provisions and their location in the Code, and an index. A number of Federal court rules and executive documents are also prepared and published as they are often closely connected to statutory material.

The Office is required to publish, in printed form, a complete new version of the Code once every six years and annual cumulative supplements in intervening years. The Office also publishes the Code, in both searchable and downloadable versions, on its public website, which continues to undergo improvements after having been completely redesigned and upgraded a few years ago.

Improvements in Timeliness and Organization

Improvements in Timeliness.--The timely update of a publication of the size and complexity of the Code is a challenging task and depends heavily on the training and expertise of the staff of the Office. The Office places a high priority on retaining existing staff and also seeks to retain the services of retired employees by contracting with them for part-time work. As a result of the efforts of experienced staff, the Office has been able to steadily improve the speed with which updates are published without sacrificing the high level of accuracy that is expected and demanded of the official United States Code.

The Office maintains a current, easily accessible online Code in addition to producing the print Code. The Office continues to reevaluate and successfully streamline its editorial practices to tailor them for an online publication that is continuously updated throughout a congressional session. Bulk data is available for download in a variety of formats (XML, XHTML, PDF, and locator text files). Updates to the main table indicating the status of statutory provisions and their location in the Code are soon anticipated to be published online in conjunction with the text updates, instead of at the end of each congressional session. These enhancements have been

made possible through the Committee's ongoing support combined with the determined efforts of the Office's professional staff. The Office continues to strive for improvements in timeliness through innovative editorial practices that take advantage of emerging technological possibilities.

Improvements in Organization.--As part of its ongoing work in maintaining the Code, the Office undertakes reclassification projects to improve the organization of problematic areas of law. Past projects have improved the organization of laws relating to congressional officers and employees in title 2 of the Code; laws relating to national security in title 50 of the Code, which included the elimination of obsolete laws in the former Appendix to title 50; laws relating to voting and elections, which resulted in the creation of a new editorial title 52 of the Code; and selected laws relating to Indians in title 25 of the Code. Over the past decades, these areas of law had become overgrown, confusing, and difficult to navigate and convert into XML. Significant work was done to reorganize these provisions and update statutory references accordingly, including through our own preparation of bills designed to enact such updates. As a result, these areas of law are now far more accessible and transparent. The Office also carries out smaller reorganization projects as needed, such as the recent project to transfer provisions of the Higher Education Act of 1965 that were previously part of another act from title 42 to title 20.

Positive Law Codification

The second principal function of the Office is to prepare legislation to enact individual titles of the United States Code into positive law as required by 2 U.S.C. 285b. The Code currently consists of 27 positive law titles and 25 non-positive law titles (one title has been omitted and one title is reserved). A positive law title is a title that has been enacted into law by Congress in the form of a title of the Code. In contrast, a non-positive law title is an editorial compilation by the Code editors (the Office of the Law Revision Counsel or its predecessors) of various acts separately enacted into law by Congress.

Positive law codification is a complex process. It may take a codification attorney a year or more to prepare a codification bill for introduction. After the bill is introduced by the Chairman of the House Committee on the Judiciary, a formal review and comment period begins. Congressional committees, Government agencies, legal experts, and members of the public are invited to review and comment on the bill. During these comment periods, the codification attorneys work with the committees, agencies, and others to improve the bill in order to achieve the best possible organization and wording of the new title and to ensure that the bill does not change the meaning or effect of existing law.

Once all issues are resolved, a revised bill is prepared by the codification attorneys in the Office. Typically, the revised bill is reported by the Committee on the Judiciary as an amendment in the nature of a substitute, and the bill is passed by the House under suspension of the rules. In the Senate, the bill goes to the Committee on the Judiciary and the process continues until the bill is passed by the Senate, typically by unanimous consent. In most cases, a codification bill must be updated several times for new legislation and reintroduced in several Congresses before finally being enacted. The codification attorneys are involved throughout the process, working with the staffs of House and Senate committees, Government agencies, and others to perfect the bill and move it toward enactment.

On January 6, 2017, the Office submitted to the Committee on the Judiciary eleven bills for introduction in the 115th Congress. Many of the bills were updated versions of bills previously submitted to the Committee, but not enacted, in the 114th and prior Congresses. Seven of the bills submitted to the Committee were codification bills. Information on the codification bills is available at http://uscode.house.gov/codification/legislation.shtml. The other four bills submitted to the Committee were bills to update statutory references. Information on those bills is available at http://uscode.house.gov/editorialreclassification/reclassification.html. The Office is working on several additional projects.

House Modernization Project

No additional funding for the House Modernization Project is being requested in the Office's fiscal year 2018 budget request, but the work is ongoing. The House Modernization Project is a set of interrelated projects being undertaken by the House Office of the Law Revision Counsel and the House Office of the Legislative Counsel in consultation with representatives from the Committee on House Administration, the Legislative Computer Systems branch of the Office of the Clerk, and the Acquisitions Management branch of the Office of the Chief Administrative Officer.

In the Office of the Law Revision Counsel, work on the House Modernization Project proceeds in three stages. In the first stage, a conversion tool was designed and implemented to enable the Office to convert the United States Code into XML. Since July 2013, the Office has made the United States Code available for use and bulk download in XML through the Office's website.

In the second stage, a new system for codification bills was designed and implemented to enable the Office to produce codification bills and associated material in XML. The old production tools were outdated. The new production tools enable the Office to draft bills in XML. In the summer of 2015, the new system was delivered. It is being used for live production work, and refinements are underway to continue to improve functionality.

In the third stage, a new system for editing and updating the United States Code is being designed and implemented. Currently, the Office uses a specialized suite of internally developed software programs to edit and update the United States Code. The current methodology works well to promote accuracy and efficiency, but it is an outdated, MicroComp-based system. So long as the old system is used to edit and update the United States Code, the Code must be converted into XML for public distribution and use by other congressional offices. Work is currently underway to design and implement the new system for editing and updating the United States Code in XML.

USLM is a state-of-the-art schema developed as part of the Office's work on the House Modernization Project. The USLM schema is designed to be extensible, and it is increasingly being considered as an emerging standard for maintaining congressional data. Congress needs to replace the antiquated technology currently used for publishing, and the Office looks forward to working with the Office of the Clerk and with GPO's Composition System Replacement Group

to support their efforts to develop the ability to maintain congressional data in USLM and publish directly from USLM files, both in print and on line.

Website for the United States Code

The budget request includes an amount for continuing maintenance of the website. Upgrades to the search engine for the United States Code database and the user interface of the Office's website were released during fiscal year 2011, fiscal year 2013, and fiscal year 2017. Significant enhancements have been made in recent years in the availability of bulk data downloads from the website. Each time the Code is updated, current bulk data is made available for download in a variety of formats (XML, XHTML, PDF, and locator text files). The website also provides information to users about positive law codification bills, editorial reclassification projects, and frequently asked questions about the Code. The services of the contractor will be required to maintain the website and address minor functionality issues.

Conclusion

Thank you for giving me the opportunity to present the fiscal year 2018 budget request of the Office of the Law Revision Counsel and for the Subcommittee's support for the Office. I will be pleased to respond to any questions that you may have.

Statement of Thomas G. Hungar, General Counsel
Office of General Counsel
U.S. House of Representatives
Before the Legislative Branch Subcommittee
of the Committee on Appropriations
Regarding Fiscal Year 2018 Budget Request of the Office of General Counsel

Chairman Yoder, Ranking Member Ryan, and Members of the Subcommittee. Thank you for the opportunity to present and explain the fiscal year 2018 ("FY'18") budget request of the Office of General Counsel ("OGC"). For FY'18, OGC requests $1,492,000 – $1,362,000 for personnel costs and $130,000 for non-personnel costs. OGC's FY'18 budget request represents an increase of $48,000 (3.3%) over OGC's FY'17 enacted funds of $1,444,000, but a reduction of more than $48,000 (3.1%) relative to actual FY'16 spending ($1,540,145.77). A justification of the requested increase over the amount of FY '17 enacted funds appears below.

Functions of the Office

Pursuant to Rule II.8(a) of the Rules of the House of Representatives (115th Cong.), OGC is a non-partisan office in the House that provides legal advice and representation to the House, and as appropriate to its Members, Committees, Officers, and employees, without regard to political affiliation, on matters related to their official duties. On policy matters and matters of institutional interest, OGC reports to the Speaker, to the House, and (with respect to litigation matters involving the House) to the Bipartisan Legal Advisory Group (consisting of the Speaker, the Majority and Minority Leaders, and the Majority and Minority Whips). *See* House Rule II.8(a), (b). While it is difficult to provide an exhaustive list of the types of advice and representation that OGC provides, OGC addresses the following matters with some frequency:

- **Judicial Proceedings**: OGC represents the House in litigation, and also represents Members, Committees, Officers, and employees, both as parties and as non-party witnesses, in litigation arising from or relating to the performance of their official duties, at the pre-trial, trial, and appellate levels. Among other things, OGC defends civil suits; moves to quash or limit subpoenas; represents the House and its Committees in suits for affirmative relief; represents the House or the Bipartisan Legal Advisory Group in defending congressional enactments that the Department of Justice has declined to defend; files amicus curiae briefs on behalf of the House or one or more of its constituent entities in cases that raise issues of significant institutional interest to the House and its Members; and applies to district courts, on behalf of Committees and Subcommittees, for immunity orders for witnesses.

- **Committee Subpoenas**: OGC provides advice to House Committees and Subcommittees in connection with the preparation, service, and enforcement of Committee and Subcommittee subpoenas, including advice and assistance in dealing with recalcitrant witnesses.

- **Requests for Information**: OGC provides advice and representation to House Members, Committees, Officers, and employees in connection with responses to informal and formal requests for information (e.g., grand jury subpoenas, trial and deposition subpoenas, FOIA requests) from governmental agencies (including the Department of Justice) as well as private parties.

- **Privileges**: OGC provides advice regarding the applicability of various privileges including, most particularly, the Speech or Debate Clause privilege (U.S. Const. art. I, § 6, cl. 1), but also executive, Fifth Amendment, attorney-client, attorney work product, and other privileges.

- **Tort Claims**: OGC reviews and evaluates tort claims for possible administrative resolution by the Committee on House Administration and, where appropriate, refers such claims to the Department of Justice for defense under the Federal Tort Claims Act, and then assists the Department with such defense.

- **Tax Matters**: OGC advises House offices and vendors regarding applicable tax exemptions for official purchases.

- **Constituent Casework**: OGC provides advice to Members and their staffs about the handling of constituent casework, including responding to questions that concern the confidentiality and discoverability of constituent communications and information.

- **Internal Policies**: In consultation with the Speaker's office and other leadership offices, OGC assists in drafting, amending, and evaluating internal House policies, rules, and regulations.

- **Formal Legal Opinions**: From time to time, OGC issues formal legal opinions on matters of interest to the House, Members, Committees, and/or Officers, including whether proposed legislation raises constitutional questions.

- **Other Matters**: OGC provides a great deal of day-to-day advice on a wide variety of other legal matters including, but not limited to, immigration, intellectual property, debt collection, jury duty, landlord/tenant disputes, and miscellaneous constitutional and separation of powers issues. OGC also provides training for staff members regarding legal matters of relevance to their official functions.

The general demand for OGC's services has increased significantly over the last several years, as has the number of complex and high-profile legal matters the office has been asked to handle.

Justification for the Increase

At present, OGC is composed of the General Counsel and four senior attorneys with a combined total of 81 years of legal experience, together with a staff attorney, two law clerks, an intern, and an office administrator.

The requested $48,000 increase in the budget for FY'18 relative to enacted funds for FY'17 reflects added funding to enable the office to hire an additional experienced attorney in FY'18, while still maintaining salary levels necessary to attract and retain the highly qualified senior attorneys who handle the bulk of the office's core legal workload. OGC increased attorney salaries last year to better reflect the experience levels of its highly qualified attorneys in light of competitive realities in the legal marketplace.

As noted above, the amount requested for FY'18 is approximately 3.1% less than OGC's actual expenditures for FY'16. This projected reduction from actual FY'16 spending is due primarily to a projected reduction in litigation-related expenditures for outside counsel, although of course such expenditures are inherently unpredictable and difficult to estimate in advance with any degree of accuracy. In previous years, unanticipated expenditures for outside counsel have necessitated the reprogramming of funds to increase OGC's budget, including $350,000 in reprogrammed funds in FY'15 and $325,000 in reprogrammed funds in FY'16. In an attempt to provide a more accurate budget for FY'18 and to build in flexibility to increase the office's litigation resources in light of the greater litigation demands experienced in recent years (as evidenced by the recurring need to hire outside counsel in past years), OGC has requested funds sufficient to add an additional assistant general counsel in FY'18; the requested $48,000 increase would partially offset this added expense. The remainder of the projected funding would come from cost reductions attributable to other personnel decisions, such as the office's plan to continue its recent practice of employing law clerks (law students enrolled in night programs at area law schools) to perform some of the duties previously performed by more highly compensated staff attorneys and paralegals, and its plan to fill the vacant deputy general position with an assistant general counsel at a lower salary.

Based on the proposed funding level, OGC expects to be able to continue providing the same level of effective service it currently provides.

I would be happy to respond to any questions the Subcommittee might have. Thank you for your consideration.

Statement of E. Wade Ballou, Jr., Legislative Counsel
Office of the Legislative Counsel
U.S. House of Representatives

Before the House Subcommittee on Legislative Branch Appropriations
Regarding Fiscal Year 2018 Appropriations

Mr. Chairman and distinguished Members of the subcommittee, thank you for the opportunity to present to you the fiscal year 2018 appropriation request for the Office of the Legislative Counsel.

I am pleased and honored to appear before you today in my capacity as Legislative Counsel of the House. This is my first opportunity to provide testimony to this subcommittee as Legislative Counsel. I appreciate the past and continuing support of the Members of the subcommittee for our Office.

My testimony is organized as follows:

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Mission

The Office of the Legislative Counsel has provided assistance in the preparation of legislation to the House of Representatives for nearly a century. Our mission is stated in the statutory charter of the Office of the Legislative Counsel (2 U.S.C. 281a), which charges the Office with the duty to advise and assist the House, its committees, and Members in the achievement of a "clear, faithful, and coherent expression of legislative policies". The Office is neutral as to issues of legislative policy. Since our inception, we have provided legislative drafting assistance to Members representing all political viewpoints while maintaining confidentiality with each client. With the support of this subcommittee, we would like to continue this tradition and improve our ability to provide this important service to the Members and committees of the House.

Office Budget Request

For fiscal year 2018, I am requesting $9,437,000 for salaries and expenses of the Office of the Legislative Counsel. This amount includes $9,134,457, for mandatory items; no price level increases; $217,587 for program current services; and an increase of $84,956 in program changes from fiscal year 2017. This amount continues funding provided for fiscal year 2017 for two additional staff members to assist the Office in complying with House Rule XXI, clause 12.

Services

Drafting

We completed 17,350 final drafts in calendar year 2016. Of that total, 10,001 were bills, 6,447 were amendments, and 902 were resolutions. As of April 30, 2017, the number of final drafts we have completed so far in 2017 is 8,651, of which 6,157 are bills, 1,844 are amendments, and 650 are resolutions. For calendar year 2016, the average number of drafts per Member was 18. However, the Office generated 180 drafts for one Member,

130 for another Member, and 50 or more drafts for each of 17 different Members. In addition, we prepare reported bills and their accompanying Ramseyers and maintain our database of compilations of existing law, including many nonpositive laws.

Putting these statistics in any kind of meaningful perspective is difficult because some drafts are merely simple resolutions or responses to requests to put language developed elsewhere into proper form. Other requests may be very complex. For example, a single request could be very extensive and require months of intensive work by a team of experienced attorneys. In addition, each final draft is often preceded by multiple earlier versions, each involving a significant investment of time. If all the versions of the 2016 figures are calculated, then the totals for 2016 rise to 54,777 versions, 38,169 of which were bills, 14,274 were amendments, and 2,334 were resolutions.

Our goal is to prepare drafts that accurately reflect the legislative objectives of the Member or committee concerned, that are legally sufficient to carry out that policy, and that are as clear and well organized as possible under the circumstances. We always seek, to the extent possible within existing time constraints, to improve the clarity and technical accuracy of each draft, avoid drafting errors, reduce unnecessary confusion, avoid future litigation, and avoid foreseeable, but unintended, consequences.

Many bills and amendments are lengthy and complex. Many are the result of years of work. Several examples from the 2d Session of the 114th Congress are as follows:

- The annual national defense authorization bill ("NDAA") covers many different areas of the law and requires the dedication of significant Office resources from a number of different attorneys and staff as the bill moves through the legislative process. For fiscal year 2017, 379 floor amendments were filed at the Rules Committee and the conference report was 2,300 pages in length. It included major revisions of DOD procurement policy and of the Uniform Code of Military Justice. Drafting for the annual NDAA bill typically begins in February, and the FY17 conference report was filed in late November.
- The 21st Century Cures Act (including a large mental health component).
- The Comprehensive Addiction and Recovery Act of 2016 (addressing the opiods issue).
- A reauthorization of the Toxic Substances Control Act.

- The Water Infrastructure Improvements for the Nation Act (WIIN), comprised of 728 pages and involving 8 attorneys, and with respect to which 108 amendments were submitted to the Rules Committee.
- The Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA).
- The Financial CHOICE Act of 2016, which was 500 pages in length when reported out of Committee last session and was accompanied by a 1,200 page Ramseyer.
- Our work with the Appropriations Committee, which requires a substantial commitment of Office resources.

Reported Bills and Accompanying Comparative Prints

In addition to drafting, the Office prepares each bill as ordered reported to the House and the accompanying document (Ramseyer) showing changes in current law made by amendments and repeals contained in the bill, as required by clause 3(e) of House Rule XIII. We recently began preparing committee prints requested by the Rules Committee and are gearing up to prepare comparative prints for the Rules Committee stage of the legislative process in compliance House Rule XXI, clause 12.

For the 114th Congress, our Ramseyer team prepared 803 sets of report documents (including the reported bill and the Ramseyer) for bills reported to the House, 390 sets in the 1st Session and 413 in the 2d Session. In addition, the Office prepared Ramseyers for 8 or 9 of the appropriations bills during the 2d Session as well as processed 140 public laws enacted during the 2d Session that amended or otherwise caused changes to our database of nonpositive law statutes.

Formatting Requested by Members

Among the duties we consider ancillary to our primary purpose are responses to requests from Members to put their own legislative language in XML format and the proper statutory style but *without analysis, review, or correction by attorneys*. These are situations in which the Member, or someone on the Member's staff, either requires legislative language so quickly that we cannot process it through our normal system of attorney analysis and review or our analysis and review is not desired. Unfortunately, this is not an insignificant part of our work and it is a purely clerical function. We often have our clerical staff format these requests with little or no attorney supervision.

Services Not Performed

Given the current size of our staff and workload, we are not able to provide certain other additional services that are often requested. These include extensive research, preparing side-by-side analyses of House and Senate bills, drafting explanatory language for committee reports, and preparing summaries or analyses of sections of bills. These tasks are more appropriately performed by other offices, such as the Congressional Research Service.

In addition, in order to maintain our impartiality, it has always been our policy not to prepare letters or memoranda explaining, defending, promoting, or justifying any particular legislative proposal.

Managing Current Workload

Workload Fluctuation

Our workload fluctuates greatly during each session of Congress. Peak periods always present management challenges. We continue to see many omnibus bills, including requests from individual Members. The complexity of Federal law continues to increase. Externally imposed constraints frequently dictate our operational timetable. Assembling multifaceted legislation in a thoroughly professional manner and minimizing errors is a growing challenge, even for our most experienced staff.

To address these situations, our Office has become increasingly structured around teams of attorneys who specialize in particular subject areas within the jurisdiction of the standing committees of the House. These teams are often supplemented for certain bills that present workload spikes by additional attorneys who volunteer to help with drafting amendments for committee markup and the House floor. These auxiliary teams significantly improve turnaround time for Members' amendment requests, both for committee consideration and for submission to the Rules Committee prior to floor consideration, while permitting those with the most expertise to work with the committees and leadership on both sides of the aisle. This auxiliary team effort allows for the preparation of hundreds of amendments over a matter of a few days. The team approach is crucial to handling large bills, including appropriations bills. Ultimately, it is our goal to have a team of attorneys for each major subject area.

In addition, we have a program of using attorneys who have recently retired from our Office to contract for work on an as-needed basis. These experienced attorneys are required to have no actual or potential conflicts of

interest. They are paid on an hourly basis at the equivalent of the rate of pay that they were earning immediately prior to retirement and are assigned to help for a limited period with a special problem or a particularly difficult or large project. This system has also proved to be a very cost-effective way to handle temporary personnel issues such as absences due to family and medical leave and to help manage the peak times of a fluctuating congressional workload during each session.

Managing Deadlines

The pace of the legislative process is rapid. In particular, deadline situations in the context of Rules Committee and House floor schedules may, at times, make it impossible for our attorneys to adequately review proposed language or make a serious determination as to its legal effectiveness. We may be able to offer only formatting, which at times results in a decreased quality of the work product. These deadlines frequently require work at night and on weekends, thereby adversely affecting a healthy work-family life balance.

In other contexts we also receive requests for "formatting" or "rush" jobs. We respond to these requests to the extent we can, but we do give priority to those requests on which we can make a meaningful contribution to the final product. Consequently, formatting and rush jobs may often be handled by our clerical or paralegal staff.

Turnaround Time

Members often ask how soon our Office can "turn around" their projects. There is no single answer to this question. Projects not requiring attorney involvement may be processed more quickly, but the quality of the drafting will reflect the absence of value added by a skilled drafter. With the quick turnaround, there will be no assurance that the language will (1) legally accomplish what its sponsor wants it to do, (2) be referred to the desired committee, (3) be enforceable, (4) avoid conflicts with existing law, (5) give authority to the correct Federal agency, (6) be well-organized and free of technical errors, or (7) avoid litigation and questions from the press that cannot easily be answered.

Even in cases where the Member or committee desires to have the best possible draft prepared, the turnaround time varies. Often it takes twice as long to review, analyze, and rebuild a draft prepared by outside groups as it would to draft the bill from scratch because we first need to unearth the policy within language that may not be completely clear and then begin drafting from there.

Our coverage of Federal law is broad but thin. Attorneys specialize, and when a topic is timely and of interest to many Members, the one, two, or three attorneys competent to work on that topic are often inundated with drafting projects. We prioritize our efforts by handling conference drafting requests first, floor amendments second, and committee projects third. Bills for introduction by individual Members are dealt with only after those priority projects, and they are handled in the order in which we receive them. I realize that Members are disappointed not to have every request they send to us processed immediately, but absent wasteful and unlimited resources, we will never be able to meet that standard.

Information Technology Support

Our Office's ongoing development and implementation of computer software for use by personnel inside our Office as well as by Members, staff, and the public outside our Office, has required a significant investment of time of some attorneys and our limited IT staff. This has taken them away from drafting and other IT-related work. We now require additional help to support the next stages of software development, particularly in connection with complying with House Rule XXI, clause 12, and the expanded use of 2d generation XML through the use of the USLM schema as part of the House Modernization Initiative. To this end, we are partnering with the Clerk of the House to develop and implement software required to comply with House Rule XXI, clause 12.

Personnel

Staff

Our existing authorized staffing level is 72. We currently maintain a staff of 64 (49 attorneys, 3 staff who maintain our compilations of laws and prepare all of the Ramseyers for the committees, 3 information technology personnel, and 9 clerical support staff). We recently brought on board 1 attorney who was a lateral hire, and we expect to bring on board this Fall 2 attorneys who worked with us as 2016 summer associates. We also will have 3 law students with us this spring and summer as 2017 summer associates. On the minus side, 2 senior attorneys retire this spring, and 2 junior attorneys unexpectantly resigned in February 2017. Our need to continue hiring new attorneys is an ongoing, important one. In addition, we also expect to hire, train, and deploy staff to address the new requirements of House Rule XXI, clause 12.

Recruitment, Training, and Retention of Attorneys

Recruiting well-qualified attorneys to our Office continues to be challenging. The salary levels in private practice remain high, creating a huge disparity between private-practice salaries and those of Government lawyers, and housing costs in the Washington metropolitan area have also remained high. It is true that while many young lawyers feel that they cannot afford to work for the Federal Government because of their student loan debts, the House student loan repayment program has been very helpful to us in our recruitment efforts. The level of assistance is now at the same level as elsewhere in the Federal Government ($10,000 per year with a cap of $60,000). But the recent Federal budgetary uncertainties, and the possibilities of indefinite salary freezes, may be discouraging the best of the law student pool from considering working in our Office.

We currently believe that 50 seasoned drafting attorneys is approximately the correct overall number of attorneys required to support the needs of the House. However, the complexity of legislation requires years of training new attorneys to become legislative drafters of the high quality to which we always aspire. Managing the Office is increasingly complex as well, and both the Legislative Counsel and the Deputy Legislative Counsel should relinquish day-to-day drafting responsibilities. At present this relinquishment is not possible. We have 16 senior attorneys in the Office who have been with the Office for more than 20 years; of these, 10 have been with the Office for more than 30 years, and 3 for more than 40 years. In order to plan for the anticipated retirement of so many attorneys in the near future as well as the unanticipated departure of mid-level attorneys, we need to continue to hire new attorneys—

(1) to address the pace and volume of requests the Office receives,

(2) to have attorneys who are sufficiently trained in the relevant subject areas positioned to assume primary drafting responsibilities when a senior attorney retires or a more junior attorney leaves the Office, and

(3) to have sufficient personnel to allow attorneys to work in teams.

We are concerned about our continued ability to retain new and particularly mid-level attorneys in the current environment given the years we invest in training each new attorney. Indeed, we have lost 6 junior attorneys in the past 5 years. The ability to provide regular, predictable merit raises for the extraordinary work performed by the attorneys in our Office (consistent with legislative offices and executive branch agencies) continues to be extremely important to retaining skilled attorneys. In order

to accommodate that, our salary schedule provides fairly predictable raises during an attorney's first 5-10 years of service. Although the expenditures resulting from the annual hiring process and the annual merit increase process are potentially offset by some savings from more senior attorneys leaving the Office through retirement or otherwise. The unpredictability of these departures makes accurate personnel planning and budgeting very challenging.

Nonpersonnel Expenditures

The major nonpersonnel expenditures for our Office are associated with the maintenance and enhancement of our existing software systems to better serve our clients, as well as periodic updates for our computer hardware.

Conclusion

I would like to express my appreciation for the support this subcommittee has given our Office. This support has enabled us to develop and maintain the ability to provide quick, efficient, and expert drafting assistance to the Members and committees of the House. We are continuing our efforts to improve our services wherever possible.

This completes my testimony. I will be happy to answer any questions that any Member of the subcommittee may have.

Appendix

History of Office

While Members of the subcommittee are familiar with our Office, for the benefit of others who may review this testimony, it may be helpful to provide a brief synopsis of our functions and history.

Professional legislative drafting in the House of Representatives began in 1916 as an experiment offered to the House by a professor at Columbia Law School, Middleton Beaman. The experiment was regarded by the House as a success, and Mr. Beaman was appointed Legislative Counsel to the House in 1918 pursuant to an amendment to the Revenue Act of 1918. At first, the Office focused primarily on tax legislation. Over the following decades, the work of the Office gradually expanded to cover every area of Federal law. Much of this work is amendatory in nature because the drafter is striving to achieve coherence by placing the new policy into existing law. On January 28, 1929, the House adopted the Ramseyer Rule, which required a comparative print showing changes to existing law proposed to be made by reported bills to enable the reader to more quickly comprehend the impact of the proposed changes. These Ramseyers had the salutary effect of improving the draft, thereby helping to avoid drafting errors, reduce unnecessary confusion, avoid future litigation, and avoid foreseeable, but unintended, consequences. Ramseyers are necessary complements to amendatory bills.

A statutory charter for the Office was enacted in the Legislative Reorganization Act of 1970 (2 U.S.C. 281 et seq.). This was followed by an expansion in staff and, over time, a gradual change that resulted in the current specialization system within the Office. Under that system, each attorney primarily handles legislative drafting requests in specific areas of Federal law and strives to achieve a high level of substantive knowledge and expertise in those areas. In addition, the Office has a staff of 3 professionals dedicated to preparing Ramseyers and building and maintaining the compilations database.

The Office has long maintained compilations of nonpositive law to aid in the drafting of bills and amendments. These compilations are now in electronic form and are necessary for the preparation of Ramseyers. Early compilations were maintained in notebooks and contained the up-to-date law with amendments taped onto statutes. From time to time, these notebooks would be printed by the Government Publishing Office upon

request of a committee and made available for widespread use. When available, our Office would use these GPO prints as a new base and begin again the scissors and taping process. During the 1990s, the Office had all of its compilations type set and proofread by GPO, thereby creating our first electronic database. These compilations were coded using GPO locator codes. Since then, the database has been converted into XML format through a project with the Office of the Secretary of the Senate and the Office of the Legislative Counsel of the Senate. We publish the compilations of major laws that we prepare on our Office's website in the form of Adobe Acrobat PDF files. These documents are essential to the lawmaking process but are not available in such a definitive, updated manner from any other source inside the Congress or elsewhere. (This does not include the United States Code provisions that are available from the Office of the Law Revision Counsel or from copyrighted, outside, nongovernmental sources.)

In order to provide for the more timely preparation of the Ramseyers, particularly for larger bills with shorter reporting deadlines, and with funding from this subcommittee, in 2004 we began developing the Ramseyer suite of software tools. These tools not only aid in the preparation of Ramseyers, they also are used to maintain and update our compilation database and to aid drafters by quickly providing a view of the written changes to law during the drafting process. While these programs are helpful, they require a person to review (and correct where appropriate) their output for technical accuracy. Additional refinements are still needed to ensure the ability of the software to execute in virtually all amendment environments.

The original reason for the Ramseyer Rule remains, almost 90 years after its adoption. In fact, due to the vast change in the legislative process enabled by computer technology, the desire for these comparative prints has intensified. Committees and Members want comparative prints at a variety of stages of the legislative process. In addition to changes in law, there is a desire to see changes that amendments propose to make to bills and to have a redline showing changes between different versions of the same bill. The most recent addition to the House Rules, Rule XXI, clause 12, requires several of these comparative prints for unreported bills, amendments in the nature of a substitute, and changes made through the Rules Committee process. As desirable as all of this may be, the Office needs additional resources to accommodate these requests while maintaining accuracy.

Software and Information Technology

Our Office uses many different types of customized software in our work. Contracts under a House Modernization Initiative, begun in collaboration with the Office of the Law Revision Counsel at the end of fiscal

year 2012, have enabled the development of, and improvements in, much of this software.

(1) **XMetal (authoring software).**—XMetal is the authoring tool used throughout the House for the authoring of bills, amendments, and resolutions in XML format. Through the House Modernization Initiative, we have been taking steps to better integrate this software with our other software.

The underlying drafting system uses 1st generation XML technology based on document-type-definitions (DTDs). Through the Modernization Initiative, the Office of the Law Revision Counsel is now using 2d generation XML through the USLM Schema. We believe a shift to USLM Schema would be useful for us and House systems generally. This shift will require significant additional resources in the future to upgrade our software (and the House systems generally) to USLM.

(2) **Ramseyer Suite (impact of amendments to laws).**—Our Ramseyer suite of software uses our compilations database to show the impact of amendments and repeals made by bills on current law. It is more fully discussed under the History of the Office heading. We have a pared down version of this software, known as the mini-Ramseyer, that drafters are using for quality control to improve the accuracy of drafts. We are upgrading this software to accommodate many additional and complex amendatory language patterns. This software requires ongoing support, training, and periodic improvements.

The Ramseyer suite of products uses 1st generation XML with a DTD unique to itself. We expect to move to 2d generation XML using the USLM schema at the same time as the House fully adopts the USLM schema. In the meantime, we expect to use a translate program to allow us to retain present functionality. The move to the USLM schema will require significant additional resources in the future.

(3) **Maintenance of compilations of laws (database of laws).**—In order to support drafting relating to laws that are not formally enacted as part of the United States Code as well as our operation of Ramseyer software, the Ramseyer products include a tool to maintain and update a database of frequently amended nonpositive Federal laws in up-to-date form. Also, we are now converting USLM data for positive law U.S. Code titles produced by the Office of the Law Revision Counsel into the XML format used in our compilation software. By summer of 2017, we expect to rely on these positive law titles, thereby permitting our Office to eliminate the need to purchase these positive law titles from outside sources.

We publish to our Member and public websites many of the most frequently used laws in PDF format. We have been adding to this database all laws newly enacted beginning in the 112th Congress. There are remaining issues in converting over into XML format previously enacted laws that do not follow contemporary patterns for legislation.

(4) **Amendment Impact Program (AIP) (impact of amendments to bills).**—AIP is software designed to show the impact of amendments to bills in a visual and user-friendly redline form. The software is being used primarily in the drafting process in order to validate the accuracy of amendments before they are sent to clients. We are also analyzing the different amendatory language patterns used so we can incorporate them into the software. We anticipate that knowledge gained from the development and implementation of the AIP software will be important in the development of the software required to comply with House Rule XXI, clause 12.

(5) **Legislative lookup & link ("LLL") (statutory reference virtual hyperlink tool).**—The Legislative Lookup & Link software (or LLL) is designed as a web-based application to provide greater transparency for drafters and others using legislative material by permitting a single expedited way to look up and link to the text for specific statutory references. This project has already resulted in enhancements in the website capabilities of the website of the Office of the Law Revision Counsel by permitting provisions below the section level to be linked directly. We anticipate that it will continue to play an important role in the House Modernization Initiative.

(6) **File comparison software.**—In collaboration with the Office of the Legislative Counsel of the Senate, we have been using software that can readily compare different versions of a draft in order to easily identify changes being made by later drafts. This has been particularly useful in conveying changes to drafts in preparing cost analyses of legislative proposals. Unfortunately, this software is quite dated and is nearing the end of its useful life. We are working with the Clerk of the House to develop a more robust and up-to-date file comparison tool as part of the development of the software required to comply with House Rule XXI, clause 12.

(7) **Track changes.**—The House Modernization Initiative also contemplated a project (referred to as "track changes") within XMetal that would track marked changes in a law and convert the marked up language into amendatory form. We have deferred indefinitely development of this project in order to prioritize the application of our

limited House Modernization Initiative funding for the previously described software projects that are less complicated and likely to produce faster results.

(8) **iManage (document management software).**—iManage is document management software the Office uses to inventory and track requests for drafting assistance as well as the history of drafts previously prepared. It also allows for full textual searches of these drafts. Maintaining this software requires the part-time attention of 1 in-house software specialist and an annual maintenance/license contract to keep the iManage server and client software up to date.

Legislative Appropriations Hearing Questions for the Record

Sergeant at Arms:

What security challenges do you see for district offices and how can we assist you in addressing them?

The Law Enforcement Coordinator program was implemented as a way to link district office staff with local law enforcement to provide assistance at Member events throughout the district and to provide insight into events that could disrupt a district office. However, this covers only a portion of the issues faced by district office staff on a daily basis. District offices still face protestors; physical security threats and the high visibility of Members in their districts make the Member and staff targets to those individuals who may be dealing with any number of issues.

There are approximately 900 congressional district offices and the security at each office differs based on the physical location of the office. District offices that are located in Federal Buildings are more secure as security guards patrol the building and individuals are screened prior to entering the building. District offices located in store fronts have little to no security and constituents can enter without any screening.

In order to provide a minimum level of physical security, I have requested $2.2 million to equip one district office in each district with a panic alarm that staff can use to call for assistance if there is an incident in the office and a camera and locking mechanism where staff can identify constituents prior to the individual entering the office. This amount would cover the initial monitoring. There would be a recurring cost of approximately $600,000 per year to cover the monitoring once the equipment is installed. This would provide a basic level of security for the district offices. Offices could decide to further upgrade the physical security of the office but that would be up to each Member.

Also, I am proposing that my office conduct seminars to be held in centralized locations throughout the country so that district office staff can be trained on critical security protocols. These would include proper mail handling, interacting with local law enforcement, physical layout of the office, identifying threats, and cyber security (in conjunction with the CAO) among other topics. The training of district office staff is vital to keeping the district office environment secure.

The USCP cannot be present in every district and at every event. Members and staff, at times, become subject to directions of interest from constituents that can make the Member and staff uncomfortable. While the law enforcement coordinators are trained to notify the local law enforcement of issues that they become aware of and the USCP are available to assist, Members and staff still may feel unease and request deployments of USCP officers. Unfortunately, we are not able to provide those officers in most cases. In order to address this issue, I am beginning to work with the Committee on House Administration to request that Members be allowed to utilize

the MRA for procuring temporary security. This security would be pre-approved and vetted by my office. I would request the Committee's support as this initiative progresses.

What is the status of the Garage Security initiative and what is the timetable going forward?

The Rayburn Garage Security project occurs in three Phases (1, 2 and 3). Phase 1, the lockdown of various elevator lobbies and doors, was substantially completed in April of 2017. The remaining work includes the lockdown of "Lobby 7" which was not included in the original planning, and will allow access to the House Gym from the G1, G2 and G3 level. We anticipate the lockdown installation to be completed by September 2017.

Construction for the Rayburn Garage Rehabilitation and Phase 2, the infrastructure portion of Garage Security are proceeding in tandem. The rehabilitation will include the build out of elevator lobby vestibules for placement of security screening equipment. Phase 2 completion of Garage Security will parallel the completion of the Rayburn Garage Rehabilitation project scheduled for October 2021. Access to the building can be made by entering Lobbies 1, 2, 3, 4 and 8 from the garage on the G3 Level. Pedestrian movement will be aided by existing stairwells and newly installed freight and passenger elevators.

Phase 3, the screening portion of the project, will require the purchase of five (5) USCP Standard Screening Packages (X-Ray, Mag, Explosives Detector, Security Podium and Cameras), however, this phase cannot be implemented without the addition of 39 FTE's.

The Sergeant at Arms, Architect of the Capitol and US Capitol Police continue to meet on Garage Security to ensure all concerns are effectively resolved.

In your budget request you ask for 12 additional FTEs, what would be the role of the additional staff?

The additional FTE requested would support all divisions of the organization in a variety of ways.

Two additional FTE in the division of Emergency Management will provide support to the emergency preparedness, operations, and planning efforts of the office and will also focus on emergency preparedness training specifically tailored to Member and Committee offices. These FTE will also reduce our reliance on contracting services.

Two additional FTE in the division of Protocol and Chamber Operations will assist in the enforcement of policies and procedures related to House Floor access and ensure greater service to Members and staff on the Floor.

One additional FTE in the division of House Security will staff the SCIF located in the Rayburn Building, which will be available for Member office and Committee use. SCIF personnel control access, monitor classified briefings, perform administrative tasks necessary to ensure the integrity of the SCIF, and serve as the recipient of classified information from various intelligence agencies.

One new FTE in the division of Information Services will provide database expertise and will ensure the various systems the Sergeant at Arms uses remain operational and efficient. In addition, this FTE will provide desktop and technical support to all Sergeant at Arms staff.

Four additional FTE in the division of House Garages and Parking Security will provide a consistent presence on all lots and garages and will provide House staff with parking availability during the renovation of the Rayburn garage and the transition of the O'Neill House Office Building (HOB).

The remaining two new FTE will assist with the increased duties and responsibilities relating to the acquisition of the O'Neill HOB and will enhance my office's ability to staff the O'Neill service center to provide security guidance for House staff working in that building. These FTE will be essential in coordinating with the USCP regarding all security initiatives for the O'Neill HOB and collaborating with the USCP in maintaining, upgrading, and unifying the security systems of the building (cameras, prox cards, and alarms).

These new FTE, together with our existing staff, will allow us to provide increased customer service and support to the Members, staff, and House community.

What is your plan for the use of the full-body portal scanners that are currently located in the CVC?

The Enhanced Screening Portals (ESP) are intended for the secondary screening of all gallery guests both for routine visits, as well as special events. This equipment will improve the screening ability of the USCP beyond the traditional methods seen at pedestrian entrances. The ESP system utilizes an active millimeter wave and can detect threats that would be concealed upon ones' person and otherwise be undetected by magnetometer screening. These types of threats include plastic or otherwise non-metallic weapons; biological or chemical hazards; or explosives that have been built with non-metallic components and packaged to be free of odors commonly identified with explosives.

Although the ESPs are currently located in room CVC 134, the House Gallery Check-in location, I am evaluating, in consultation with the USCP and AOC, a possible relocation to the 3rd Floor Gallery. The ultimate goal is to utilize the ESPs whenever the galleries are open, whether the House is in session or not in session, as the security and integrity of the Chamber, as well as all those within it, is paramount.

Philip G. Kiko
Chief Administrative Officer
U.S. House of Representatives

Response to questions for the record from the Subcommittee on Legislative Branch.

Questions:

1. **As part of your FY 18 budget request the CAO is requesting a 25% ($16 million dollars) increase in funding for your IT department, much of which will be going towards cybersecurity efforts. Adequate funding for cybersecurity is an essential part of keeping our networks safe, but is not the only element. Beyond the increased funding what other avenues are you perusing to improve the House's cybersecurity posture?**

Investing in aggressive, more robust cyber programs is certainly critical to maintaining a strong cybersecurity posture here at the House. However, as you note, that is only half of the battle.
Equally critical to investment in strong countermeasures for the House is the establishment and maintenance of a unified front that fosters a more controlled and consistent IT environment across the entire House. Simply put, our network defense is only as strong as those who use the network – the thousands of House Members and employees who we rely on to understand, identify, and avoid threats.
With the unique complexities of the House's IT infrastructure and its users in mind, we are exploring and/or advancing several initiatives. To name a few:

- We are working to strengthen the cybersecurity provisions included in House contracts with IT vendors – not just contracts with the CAO, but contracts with all House offices. Examples of provisions we would like to see in all IT contracts include:
    - A requirement that vendors conduct and report on security assessments of their systems in accordance with NIST standards
    - A requirement for strict notification processes concerning security incidents
    - A requirement for full House access to post-incident investigations
    - A requirement that vendors mitigate harmful effects on individuals whose House systems and information may have been impacted by an incident
    - A requirement that the vendor fully cooperate with requests by the House to reevaluate any or all of the vendor's security controls and/or privacy practices
- We are exploring ways to improve adherence to certain House Information Security Policies (HISPOLS) through automated controls, particularly policies related to wireless devices, cybersecurity awareness training, and use of IT services and software that have not been vetted or approved by the House. Specifically, the abovementioned HISPOLS are:

- HISPOL 08.0 - Wireless Handheld Devices, which requires all wireless devices have the most up-to-date operating system software. HIR can detect House devices operating with outdated software, but it cannot remotely update those devices. HIR can, however, remove them from the network.

- HISPOL 12.0 - Awareness & Training, which requires all staff to complete annual cybersecurity training. HIR just rolled out a new, more sophisticated training interface that notifies staff when their training deadline is approaching. We estimate that a high percentage of staff are compliant, but we need 100 percent.

- HISPOL 17.0 - Protecting House Data in Cloud and Non-House Technology Solutions, which requires our HIR Vendor Management and Cybersecurity teams to evaluate and approve all cloud and non-House IT services before they are integrated or connected to the House network.

- With respect to security policies, we are also working with House stakeholders to establish minimum requirements and procedures for mobile devices taken on international travel to countries deemed "high threat" by the State Department.

- We are working to establish enterprise-level solutions for basic system administration (like creating and modifying accounts on the House network, email accounts, user profiles, server access, etc.) that would reduce privileged access to the House network by non-HIR employees.

- We are exploring the feasibility of commodity IT – an enterprise approach to IT equipment procurement and deployment. We would do this through blanket purchase agreements with several trusted vendors that include security protections related to commodity development and supply chain management. We would also standardize the installation process. This approach would drastically reduce exploitable vulnerabilities of the House network.

Working with the Subcommittee, as well as the Committee on House Administration, we will continue to explore and advance these policy and process improvements as they are all, in my opinion, essential to presenting a unified front against an increasingly complex enemy.

2. Improving support for Member's district offices is something both you and Mr. Irving touch on in your testimonies. Can you talk about specific ways in which you plan to improve support to district offices?

The CAO provides several technology services specific to House network connections and phone services for each Member's "flagship" District Office. For example, we helped facilitate VPN (connection to the House network) and VoIP (Voice over Internet Protocol phone service) technologies in freshman offices this Congress, which provide improved network connections and greater functionality at a lower cost than the legacy technologies.

We are now in the process of transitioning other district offices to VPN and VoIP services so they may also benefit from the technological and cost-savings advantages of the technologies.

We are also working to ensure district office staff can take full advantage of the House Learning Center by offering more courses online. The House Learning Center is exploring webinar offerings and other remote course and training delivery capabilities.

Additionally, I think the traveling security awareness program for district offices proposed by the Sergeant at Arms would be a true value add for offices, and I believe that there may be an opportunity for the CAO to add to these tours through the addition of technology and cybersecurity components.

I believe district office staff should have the access to the same level of service and resources as D.C.-based staff, and the CAO can help. We are looking to gather more feedback directly from district office employees to identify additional opportunities to provide new services or build upon the ones we currently offer.

WEDNESDAY, MAY 17, 2017.

ARCHITECT OF THE CAPITOL

WITNESS

STEPHEN T. AYERS, ARCHITECT

Mr. YODER. I now call to order the hearing on the Architect of the Capitol. We have the Architect, the Honorable Stephen T. Ayers with us today. Thank you for your appearance this afternoon. We look forward to hearing your testimony.

This is the second hearing we have held today. Earlier this morning, we heard from the House of Representatives, and we had some great questions and good witness testimony. I look forward to another good session with you this afternoon as we work toward building our 2018 budget.

So I would like to welcome Stephen Ayers, the 11th Architect of the Capitol, to our committee. The AOC has been very busy. They successfully supported the Presidential inauguration, hosted 2.2 million visitors to the Capitol Visitor Center, and 1.2 million visitors to the U.S. Botanical Gardens in 2016, all the while managing several large projects around the campus, including several on the House side: the Capitol dome and rotunda, of course, in the Capitol; all work in the Cannon House Office Building and the Rayburn interior garage as well. So congratulations on all your work and projects.

Mr. AYERS. Thank you.

Mr. YODER. Excluding the Senate Office Buildings, the Architect of the Capitol is requesting $660.5 million. This is $131 million above the current year. If we include the Senate, the entire Architect of the Capitol budget request is $773 million, which is $155 million above the current year appropriation.

The larger ongoing multiyear projects include the Cannon House Office Building renewal, which totals $752.7 million, with a total of $440.9 million appropriated to date. Also included is the Rayburn Interior Garage Rehabilitation Project, which totals $130 million, of which $68 million has been provided.

The Architect of the Capitol has estimated that it would cost $1.5 billion to address the campuswide deferred maintenance and capital renewal backlog. We understand fully that, when the backlog is not addressed, that that cost will continue to go up.

The subcommittee has always had as a top priority those projects that have life safety implications. We understand the ability to maintain and keep in appropriate working order the buildings and grounds, which cover more than 17.4 million square feet of facilities and more than 570 acres of grounds on and off the Capitol campus, has been a difficult full task.

Also, before we begin, we would like to express our condolences for the loss of one of your own, Matthew McClanahan. Our heart goes out to his family and the entire AOC organization.

Mr. AYERS. Thank you.

Mr. YODER. And, with that, Mr. Ryan, do you have an opening statement?

Mr. RYAN. Thank you, Mr. Chairman, a very brief one. None of us could do our jobs without you here, and we know when we get our visitors and we take selfies with the Capitol behind them, we know that is your handiwork there. The Botanic Garden, we have you to thank. So we appreciate all of your good work.

We know that several thousand people that you supervise do everything from maintaining office buildings, caring for hundreds of acres of landscape, as the chairman just mentioned, executing major construction projects, operating a power plant, to restoring historical artwork on the walls of the Capitol. This is our home. This is where we work. My 3-year-old says, "Daddy, are you going to Capitol?" That is where daddy works, and it is a pretty cool thing, and it is cool that everyone has access to this beautiful facility. So we thank you.

We have got a lot of work ahead of us in the tough budget year, but we look forward to hearing from you and working with you.

Mr. AYERS. Thank you.

Mr. RYAN. Thank you, Mr. Chairman.

Mr. YODER. Thank you, Mr. Ryan.

Do any other members wish to make opening remarks?

Seeing none, then Mr. Ayers, your entire statement will be submitted for the record. We have it here before us, but please feel free to summarize your testimony at this time.

OPENING STATEMENT

Mr. AYERS. Thank you. Mr. Yoder and Ranking Member Ryan and members of this subcommittee, I appreciate the opportunity today to present to you our fiscal year 2018 budget request. Our request of $773 million prioritizes people and projects that are required to fulfill our mission to serve the Congress, the Supreme Court, and America's Capitol, and to inspire memorable experiences every day for those 2.2 million people you mentioned.

MONUMENTAL ACCOMPLISHMENTS

Over the last two decades, our footprint has increased substantially, and today, we operate and care for more than 17.4 million square feet of space across 36 different facilities and 570 acres of land, and the complexity of our work has also changed significantly.

In 2016, we hosted more than 4.5 million visitors through the Capitol and the United States Botanic Garden from the United States as well as from around the world. And during this time, not only has our office kept up with, but we think we have staked a leadership role in using innovative technology in addressing the important security concerns that face us every day.

Our employees work around the clock to maintain our buildings and to ensure the health and safety of those who work and visit

the Capitol campus each day, and we couldn't be successful without the hard work and skill and commitment of the more than 2,100 employees that make up our workforce.

Last year, at this hearing, I promised that 2016 was going to be a banner year for us, and I am delighted to report that we delivered on all of our projects. We successfully completed the Capitol Dome restoration and Rotunda restoration on time within budget with minimal disruption to the building occupants.

We conducted the post-election biennial office moves for 199 Members of Congress in the House of Representatives in just 24 injury-free workdays. And as we have for more than 150 years, we supported the work of the Presidential inauguration this past January.

IMMEASURABLE RESPONSIBILITY

As substantial and historic as some of our recent accomplishments are, regular preventive maintenance is the best defense against deterioration and rising costs. Budget constraints continue to slow our ability to perform regular inspections and regular and routine maintenance to improve the functionality of our facilities and infrastructure. We often rely on temporary fixes to buy time, and often that is just not quite enough.

Our fiscal year 2018 budget includes $25 million in overdue operational increases to meet the demands of mandatory cost increases and address critical repairs to reduce the risk of future failures.

Our request will provide for the resources necessary for day-to-day maintenance, thereby avoiding costlier fixes in the future, and it will also slow the growth of the $1.55 billion in backlog of deferred maintenance the chairman mentioned earlier.

In addition, using our risk-based prioritization process, we are requesting $240 million in capital projects this year. Nearly 70 percent of those are specifically for repair or replacement projects that are past due or for systems that are approaching the end of their useful life.

We are requesting funds to replace obsolete chillers at the Capitol Power Plant that date back to the 1970s. Our efforts to eliminate water infiltration through the stone restoration on many of our buildings is also part of our budget.

We are requesting funding for the next phases of the Cannon House Office Building renewal, as well as the Rayburn House Office Building Garage project, and these jobs continue to progress on time and on budget.

We are also making an important priority of security improvements that you will see in our budget this year as well. We continue to drive down injury rates, drive up our energy efficiency and drive down our energy costs at every opportunity. With your support, I think we can continue to make the Capitol campus accessible to all and ensure that it remains a vibrant display of our democracy. Thank you.

[The prepared statement follows:]

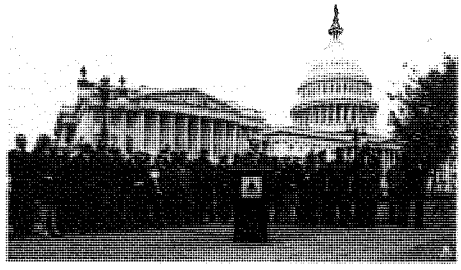
Statement of the Honorable Stephen T. Ayers, FAIA, LEED AP
Architect of the Capitol

Architect of the Capitol Fiscal Year 2018 Appropriations

Statement before the Legislative Branch Subcommittee,
Committee on Appropriations, United States House of Representatives

May 17, 2017

Chairman Yoder, Ranking Member Ryan, and members of the subcommittee, I appreciate the opportunity to present the Architect of the Capitol's (AOC) Fiscal Year (FY) 2018 budget. Our request of $773 million prioritizes the people and projects required to fulfill our mission to serve Congress and the Supreme Court, preserve America's Capitol and inspire memorable experiences.



ARCHITECT OF THE CAPITOL STEPHEN T. AYERS ANNOUNCING THE COMPLETION OF THE U.S. CAPITOL DOME RESTORATION PROJECT

The AOC has a legacy that is rooted in the very beginnings of Washington, D.C., with the laying of the U.S. Capitol cornerstone in 1793. As the country grew, so did the Capitol campus and with it the AOC's responsibilities. Today, we operate and care for more than 17.4 million square feet across 36 facilities and 570 acres of grounds.

In the last two decades, our footprint has increased substantially. Along with the sheer growth in size, the complexity of operating our facilities has changed significantly. The number of people that work here has grown, and the number of people that visit has skyrocketed. The Capitol campus is home to 30,000 daily occupants and has hosted approximately 4.5 million visitors from throughout the U.S. and around the world in FY 2016.

During this time, the AOC has not only kept up with, but staked a leadership role in using innovative technology and addressing significant security challenges all while driving down injury rates, driving up energy efficiency and reducing costs.

Monumental Accomplishments

GRANT MEMORIAL RESTORATION BEFORE AND AFTER

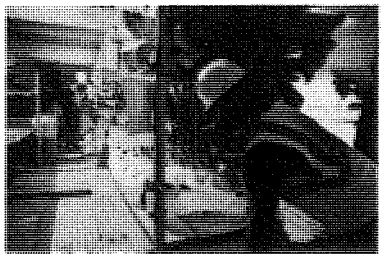
In 2016, we completed several high-profile projects on-time, within-budget and with minimal disruption to building occupants and visitors.

In the fall, we celebrated the once-in-a-generation restoration of the U.S. Capitol Dome and Rotunda. With the support of the Congress, hundreds of expert craftsmen worked day and night to restore the Dome to its original inspiring splendor.

We also completed the initial phase of the work needed to preserve Union Square. In 2011, Congress transferred Union Square to the AOC and made the meticulous restoration of the Ulysses S. Grant Memorial a priority. Weather and time have not been kind to the memorial, and we are working to address safety issues and repair the most visibly deteriorated conditions throughout Union Square. The restoration of the bronze components and marble pedestals of the Grant Memorial will once again allow all who visit to experience the power and majesty of the memorial.

In addition, we successfully completed the first phase of the Cannon Renewal project. On time and under budget, this phase included installing building utilities, primarily in the basement, and the moat area of the courtyard. This enables future work to connect to the new systems, minimizing shutdowns and disturbances.

Throughout the year our team carefully monitored project schedules so that we could provide outstanding customer service during the biennial post-election office moves. We successfully conducted office moves for 199 members in just 24, injury-free working days.



STONE PRESERVATION AT THE U.S. CAPITOL BUILDING

Stone preservation across the Capitol campus remains a top priority for us, as nearly every building is enveloped in stone and all have significant problems. To address these stone issues across the campus takes a team of historic preservationists, structural engineers and stonemasons, among others. The men and women of the AOC are in a race against time as the infrastructure rapidly crumbles and deferred maintenance projects accumulate. While we face many challenges, we continue to successfully tackle this important issue. In 2016, we completed the first section of the U.S. Capitol Stone and Metal Preservation project. This multi-phased project is designed to extend the life expectancy of the deteriorated stone and to replace missing elements of the U.S. Capitol Building.

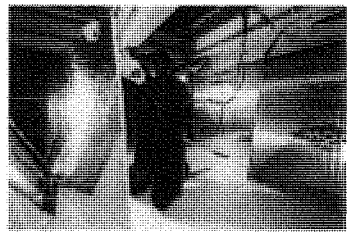
And as we have for more than 150 years, the AOC recently supported preparations for the 58th Presidential Inauguration. We successfully constructed the inaugural platform, set up the necessary seating and fencing, placed over 30,000 chairs on the grounds, procured the sound system and other support systems, installed the flags and buntings, and coordinated many other activities with the Joint Congressional Committee on Inaugural Ceremonies. We are extremely proud to have once again been part of this historic event.

2017 PRESIDENTIAL INAUGURATION

Immeasurable Responsibility

As substantial and historic as some of our recent accomplishments are, they should not diminish the importance of our day-to-day duties. AOC employees work around the clock to maintain our facilities and ensure the health and safety of those who visit and work at the Capitol campus each day. Our FY 2018 budget request of $773 million includes funding increases to provide the regular, ongoing maintenance that is vital to protect our recent major investments. Regular preventive maintenance is the best defense against the enemy of deterioration by slowing the cycle of decline and helping guard against catastrophic failure and unsafe conditions. The most prudent, cost-effective investment we can make is to support adequate personnel and resources to perform regular inspections and routine maintenance that improve functionality and extend the life span of our infrastructure.

The demand of meeting mandatory cost increases is compromising our ability to fully execute these core functions. Budget constraints have slowed our ability to perform maintenance and, rather than purchasing needed parts and service throughout the year, we are relying on temporary fixes that buy time but are not enough to prevent conditions from worsening. Across campus, we must address a growing backlog of work that is needed to keep our heating, ventilation, A/C equipment and electrical systems operational. Plumbing inspections, carpentry work, general repairs and emergency repairs compete for limited resources. In recent years, we have successfully managed to balance competing needs and diminishing resources, but we are now faced with critical life cycle repairs and replacement requirements that must be met to reduce the risk of system failures.

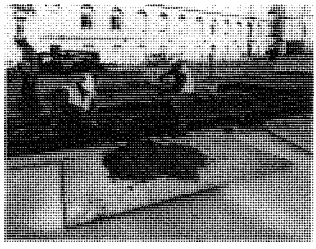


PERFORMING ROUTINE MAINTENANCE IMPROVES THE SAFETY AND SECURITY OF OUR INFRASTRUCTURE

To address this, our request will provide resources necessary for preventative maintenance, thereby avoiding more costlier fixes to campus infrastructure and slowing the growth of the $1.55 billion backlog in campus fire, life-safety and security improvement needs.

In addition, using the AOC's risked-based project prioritization process, we are recommending 21 Line Item Construction Program projects totaling $240 million. Of this, $166.4 million (or 69 percent) is specifically for projects classified as Deferred Maintenance (repair or replacement is past due, in some cases significantly) or Capital Renewal (approaching the end of useful life).

Preservation of the exterior stone, windows and doors at the U.S. Capitol, U.S. Supreme Court and Russell Senate Office Building is underway. These projects will prolong the life expectancy and preserve the historic features of the buildings by preventing water and air infiltration, slowing deterioration of the stone and corrosion of the metals, repairing damage, and removing soil and stains.

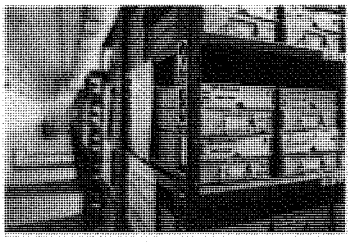


INITIAL PHASE OF THE CANNON RENEWAL PROJECT

The next phase of the Cannon Renewal project has closed the west wing of the building (facing New Jersey Avenue) for the next two years. Members impacted by this phase of the Renewal were relocated in December 2016 in seamless transition with the House's post-election office move cycle.

Initiation of the third phase of the Rayburn House Office Building garage rehabilitation program is one of our main goals for FY 2018. Ensuring this critical project continues as planned will prevent continued deterioration that has jeopardized the garage structure, resulted in the loss of parking spaces, and increased the risk of potential fall hazards from crumbling concrete.

Also, construction of Module 6 at the Library of Congress' book storage facility complex at Fort Meade, Maryland, will further accommodate the Library's expanding collections of books, manuscripts, prints, maps, cultural and other copyrighted materials. Without additional off-site storage, as the Library's collections in all formats grow, the current situation continues to deteriorate, exacerbating the already dangerous conditions with regard to life-safety, research and preservation.



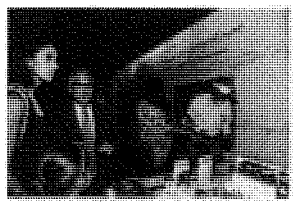
STORAGE MODULE AT THE LIBRARY OF CONGRESS FT. MEADE CAMPUS

We are also requesting funds in FY 2018 for several safety and security projects that impact campus-wide services. At the Capitol Power Plant, the four existing cooling towers on the roof of the West Refrigeration Plant are more than 35 years old and beyond their useful life expectancy. The concrete associated with the cooling tower and other system components are continuously deteriorating, increasing potential for the towers to fail without warning.

Externally, and in close coordination with the Capitol Police Board, we are prioritizing security upgrades to the Capitol campus. We must replace vehicle barriers and kiosks that have reached the end of their intended life cycle. Additionally, an enhanced exterior security presence and upgraded building infrastructure are essential elements in support of the security mission of the U.S. Capitol Police.

Improvements are needed to address the long-term maintenance, preservation and restoration of Capitol Square, which encompasses the 56 acres of grounds surrounding the U.S. Capitol. The aging, antiquated and disorganized system of infrastructure above and below ground continues to increase the negative impacts on projects, further damages the Capitol Square grounds, and prevents effective planning for future initiatives.

The AOC is dedicated to creating a safe, welcoming and inspiring experience for all who visit Capitol Hill. For many visitors, this may be their first and only time seeing the nation's capital, and we work hard to ensure the experience is worthy of this working symbol of American democracy and freedom. The dedicated employees of the U.S. Capitol Visitor Center and the U.S. Botanic Garden work to enhance customer service, hospitality and visitor engagement in a seamless, cohesive and positive visitor experience. As a source for civic education, we must continue to grow our exhibit and education experiences to maintain the high level of quality visitors expect and to expand our reach to include online and virtual visitors to the U.S. Capitol.



PRESERVATION DAY CELEBRATION AT THE U.S. CAPITOL VISITOR CENTER

Conclusion

The AOC's core values – integrity, professionalism, teamwork, safety and pride – drive our daily mission to serve Congress, the Supreme Court and the American people every day. From clearing snow after the January 2016 snow emergency, to coordinating Supreme Court Justice Antonin Scalia's lying-in-repose ceremony, to planning congressional office moves and supporting the 58th Presidential Inauguration, we strive to be a world-class organization providing superior service to our clients. The AOC's FY 2018 budget request furthers our commitment to ensuring the Capitol campus is accessible to all and remains a vibrant display of our democracy.

CANNON HOUSE OFFICE BUILDING RENEWAL

Mr. YODER. Thank you for your testimony. At this time, we will turn to questions. I wanted to follow up a little bit on the Cannon House Office Building project.

To date, $440.9 million of the project projected budget has been provided. For fiscal year 2018, you are requesting $62 million in no-year funds for the project. Can you tell the committee the amount of prior year funding that is currently available for the AOC's use on the project, what are the specific significant actions that require funding for next fiscal year we expect you to actually spend on that next year, and I think what we all want to know, is the project on time, and is it going to stay within budget?

Mr. AYERS. We have developed a budget for that project of $752.7 million, and that budget that has been in place for 6 or 8 years. We continue to maintain that cost estimate, and we have done very complicated quantitative and qualitative cost and schedule analyses using the best technology available. We continue to have more than 80 percent confidence rate that we will meet both schedule and cost on that project.

This was an important year for us as we transitioned from the initial phase, the work in the basement, into phase 1, which is the west side of that building. We completed the initial phase under budget. We probably have $8 million left from that phase that we will roll over into, and may need to utilize during phase 1. So that initial phase was done on time and under budget.

We are 15 percent into phase 1, and we are continuing to track right on time and right on budget. All of our indicators today say we are going to meet our schedule and meet our numbers, and we are pretty confident in it.

Mr. YODER. You said you used some technological advancements in phase 0 that have sort of advanced the project and saved you a little bit of money on phase 0. Do you anticipate changes over the coming years that might be able to save us money on this project? I mean, ideally, we would love to come in under budget to be able to save the taxpayers money, and I guess, what is the process to do that as you are examining this? Is that something that is feasible? I don't want you to raise the bar here and then not be able to meet that, but I am just getting an idea of what the future looks like.

Mr. AYERS. On a construction project like this, we have a series of risks that could potentially materialize, and included in our budget are funds to help us mitigate those risks. If those risks don't come to fruition, that money remains available either to go back to the Treasury when this job is finished or to roll into some other project.

Mr. YODER. Part of this is risk aversion, too.

Mr. AYERS. Everything about construction is minimizing risk. If we do a good job minimizing risks and ensure that the potential risks don't come to fruition, we think that it will come in considerably under budget.

There are a couple of things. Phase 1 is our riskiest phase of all of the five phases of that project. The most important thing we needed to do on phase 1 is to award that phase early. As you know,

we didn't start it until January 2017. Well, we awarded the contract for that phase of work in April 2016, and that allowed our contractor to spend several months before physical construction work, getting all of their contracts and subcontracts awarded, getting all of their submittals and engineering work done. That was a really important risk mitigation.

I think also, on phase 1, the second riskiest operation, in my opinion, is about to take place next month when we put on a temporary roof structure over the fifth floor roof and then begin to demolish and reconstruct that fifth floor under that temporary roof structure. If we can do that successfully on the first phase, learn some lessons as we then begin to incorporate that on phase 2, 3, and 4, I think that could save us some money as well.

Mr. YODER. So you are completely demolishing the fifth floor?

Mr. AYERS. Yes.

Mr. YODER. What are you doing to it in terms of higher ceilings, or are the offices going to look different in some way?

Mr. AYERS. Yes. They will look completely different. In fact, on the fifth floor today, you have offices on one side and storage cages on the other side.

In the new design, you will have offices on both sides. They are generous, nicely sized, appropriately designed offices for a Member of Congress, many of them with a great view of the Capitol, by the way.

Mr. RYAN. When do we put our request in?

Mr. YODER. Starting now.

One of the challenges I know you have is an occupied building. If you might just tell the committee how you negotiated around a construction project in a building that is occupied, what specific sort of challenges that has brought on, how that has been handled, have there been any disruptions that the committee should know about that have been overseen or that you have had to resolve?

Mr. AYERS. Well, of course, doing a major construction project in an occupied building is the worst thing you could do. We can start with that.

Mr. YODER. Right.

Mr. AYERS. But that is what we are faced with doing. And so I think, number one is communicating to building occupants about what is happening, what is coming up, what to expect, and no surprises. We have a team of communication specialists dedicated to this job that do just that, that spend their day talking to building occupants, making the rounds, keeping our social media and electronic messaging system up to date, making sure we have good signage around the building so people know what is about to happen before it happens.

Third, since it is an occupied building, we drive all of our noise-making activities to nighttime. That adds about a 10-percent in labor cost to any project, but it is an important and necessary thing for us to do as construction is, in many respects, inherently noisy.

Fourth, making sure we carefully monitor the air quality, water quality, odors and things like that that could emanate from the construction activities and make sure we monitor them and abate them as necessary.

Mr. YODER. Okay. Thank you. Mr. Ryan.

URBAN AGRICULTURE

Mr. RYAN. Thank you, Mr. Chairman.

First, we want to, on behalf of my whole staff, thank you for the ramps you put up for the ducks that get into the reflecting pond. It has been a topic of conversation in our office. So we want to thank you for that.

I have got a couple of questions, and I actually want to get in the weeds on a couple and just kind of get your thoughts.

First, we know that the United States Department of Agriculture has a program they call the People's Gardens, and they set up gardens at Federal agencies all around the country to help grow healthy food and get people and communities engaged. The first one was in 2009. So several members—Ms. Pingree, myself, Ms. Kaptur—have suggested that your office partner with USDA to start one of these People's Gardens on the Capitol Grounds. I think it is a good idea. We had some earlier conversations about bringing a slightly healthier culture to the employees here on the campus.

Is that feasible? Are you exploring anything along those lines?

Mr. AYERS. I think we are doing a couple of things. Let me share them with you. First, this is the centennial of the Great War, World War I, and we are putting together exhibitions in the Capitol Visitor Center to educate the public about that war. We have also installed three victory gardens at the Thomas Jefferson Building, and there are three of them in place now. We are growing food and educating the public about how to grow food that was typical for about 1917, 1918. There is great signage over there, and much of the food that we harvest we donate to local food banks.

Second, for the last 3 years, we have been focused on urban agriculture. We think that is an important thing to educate the public about, and that is really our mission at the United States Botanic Garden—to educate the public about the value of plants in our society. For our director there, Dr. Ari Novy, urban agriculture is a particular passion of his. We have had three shows the last 3 years, and our current show is actually indoors, where we are teaching people how to grow vegetables and vegetable gardens in towers, sort of vertical gardening. We have a current exhibit in the garden about that now.

That is what we are doing today, and we are certainly open to continuing that kind of effort. I think educating the public about the value of urban agriculture and the value of plants is important.

Mr. RYAN. Yeah, I know, that is very cool. How much of the technical expertise—so the Library of Congress, for example, they try to help libraries in Kansas and Ohio with some technical expertise, I guess, for lack of a better phrase. What do you—like with the Botanic Gardens, is there any kind of program that would help people in Youngstown, Ohio, learn how to do a vertical garden? Is that something that you guys participate in, and if you do, what level do you participate?

Mr. AYERS. We have a couple of things. One is a botanic hotline. If you are having plant issues or plant problems or pest problems, we do have a hotline that you can call in to our really talented plant specialist, and they will help you diagnose and find ways to fix problems that you might be having with plants.

Second, we have a number of partnerships across the country with other botanic gardens to put on symposia about things like urban agriculture or to host shows about backyard gardening or to host a show about a particular plant variety, and we have some appropriated dollars that enables us to reach out to these partners across the country. We have four or five or six of them now that we do, and we change them every few years.

Mr. RYAN. There is such a huge interest now across the country in urban ag in older cities, you know, like in Ohio and Toledo and Youngstown and Akron, that we have come in and cleared out a lot of the old homes, and they are in food deserts where there is not a grocery store for a couple of miles. So I think this is an opportunity to help, you know, after school and the whole 9 yards, but we will be in touch on some of that stuff.

Mr. AYERS. Great.

CONSTRUCTION PROJECT FINANCING

Mr. RYAN. So, on the construction side that Mr. Yoder was talking a little bit about, I know, when we do local projects in Ohio, that we are involved in—construction projects—we use a lot of different tools that are in the toolbox for private investment.

So, for example, a business will come in and use the local port authority. The port authority has capacity to buy material and not pay tax on it. And so the business will work with the port authority. The port authority will go and buy the bricks and the mortar and the wood and the nails and all the stuff that would be needed and save the private investor, you know, potentially tens of thousands, if not, depending on how big the project is, hundreds of thousands of dollars just as kind of a passthrough.

Do you guys use any tool like that here in the Capitol that would allow you to save some money and get more money into projects? Do you get everything tax-free? I mean, you contract it out. Can you walk me through that process?

Mr. AYERS. It is not tax-free, but DC does have a sales tax exemption process for equipment and materials purchased in DC.

Mr. RYAN. So you guys—you guys—your office goes out and buys all the material for a—you are going to build this fifth floor. You are going to redo it. You are going to buy all kinds of stuff to construct that. Do you buy that yourself?

Mr. AYERS. No, the contractor buys that.

Mr. RYAN. The contractor buys that. So the contractor will pay sales tax on stuff that they would buy, right?

Mr. AYERS. We direct the contractor to request an exemption. The Cannon Project is an example of where the exemption was requested and applies.

Mr. RYAN. I mean, in the normal course of affairs, course of business, so I am just trying to think of ways that, you know, we can get more bang for our buck here, and if there are opportunities for us—I don't know if you have some people on your staff that you could maybe charge to look into those things, because 4 or 5 or 6 percent of $100 million, you know, could build a few extra offices.

Mr. AYERS. Yes.

Mr. RYAN. So if you could do that.

Mr. AYERS. Sure.

Mr. RYAN. And look into that. The other thing—and I know we have the historic trust fund.

Mr. AYERS. Yes.

Mr. RYAN. Where we are putting some money in. Is there—I am literally thinking out loud here, as you can maybe tell. But, again, for local construction projects, we use the port authority and the bonding capacity of the port authorities. Have we looked into like floating some bonds and expediting a lot of this work that needs to get done and then paying it down over time? Is that—you are straight appropriations, right? You get money in, money out?

Mr. AYERS. No, not 100 percent. We do have limited statutory authority to enter into public-private partnerships. Our statutory authority permits us to do that on energy-related projects.

We have three of them in place—actually four in place right now. The first three are valued at about $90 million to $100 million of private money, and they came into the House Office Buildings, the Senate, and the Capitol and made investments in our infrastructure, which saves money. You continue to appropriate the same amount for our utility costs, but our costs go down. So we pay them back with that differential.

Since those three have been in place for 3 or 4 years, that have been incredibly effective for us and have paid back their guaranteed savings every year, we are going to do a fourth one at the Library of Congress. We are in negotiations right now for that. And a fifth one we have in construction for about $108 million at the Capitol Power Plant where a private company will come in and put in a new combined heat and power system, and we will pay them back over the course of 20 years for that investment with the energy savings they prove for that.

Mr. RYAN. So the private business gives you the money upfront.

Mr. AYERS. Correct.

Mr. RYAN. Is there any way——

Mr. AYERS. A contractor installs it, and they get private financing to do it.

Mr. RYAN. Right.

Mr. AYERS. And sometimes they do that through bonds or they do it through direct loans.

Mr. RYAN. Is there any way to expand that program into other sort of more traditional construction?

Mr. AYERS. I think there is. I do think it would require statutory authority, though. The statute today only allows us to do that for energy-related projects.

Mr. RYAN. I yield back, Mr. Chairman.

Mr. YODER. Mr. Taylor.

Mr. TAYLOR. Not right now.

Mr. YODER. Okay. Ms. Wasserman Schultz.

HOUSE HISTORIC BUILDINGS REVITALIZATION TRUST FUND

Ms. WASSERMAN SCHULTZ. Thank you. Mr. Ayers, thanks for the really incredibly good job that you have done and your stewardship over the Architect of the Capitol, and thanks to your staff because I think they are among the finest in the country.

Mr. AYERS. Thank you.

Ms. WASSERMAN SCHULTZ. You are welcome. How much is in the historic buildings preservation trust fund right now?

Mr. AYERS. The House Historic Revitalization Trust Fund available balance is approximately $38.5 million.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I don't want to presume that you are unfamiliar or familiar with, a number of years ago, we established a House Historic Buildings Preservation Revitalization Trust Fund for the very reason that drove the question because—and I alluded to Mr. Ayers' predecessor. When we built the Capitol Visitor Center, the cost overruns were astronomical. It was not on time, not on budget, and there was nothing fiscally responsible about it, including any process or protocol or accountability in place to make sure that we could stay on top of it.

And we took over the oversight of that project, along with GAO, which we assigned oversight to, and brought in, you know, sort of reigned it in and got it finished, but then we established this trust fund, given that we were going to go through Cannon, Longworth, and Rayburn's renewal, the garages, and you know, we have got really billions of dollars of revitalization to do. So we have been banking that money.

And a couple of fiscal years ago, we separated out the way we line item it in the Architect's budget so we could see what we were banking for this particular fiscal year into the historic trust fund and what they were—and what they had that they were spending so that we could make sure we could see it more clearly.

So what is your proposal in your budget for fiscal year 2018 to add to the trust fund?

Mr. AYERS. Our 2018 budget requests $10 million. Can I take a minute to expand on that?

Ms. WASSERMAN SCHULTZ. Yes, please.

Mr. AYERS. You and I have had some discussions about what is the right investment scenario that we should be investing in.

Ms. WASSERMAN SCHULTZ. Correct.

Mr. AYERS. We have spent, as I committed we would do, we spent last summer looking at that. I was briefed on it a few months ago, and I am not comfortable that we have thought of every possible option yet. The investment strategies that I saw were impractical and unsustainable, and I think we need to go back to the drawing board.

Ms. WASSERMAN SCHULTZ. As in we are investing too little?

Mr. AYERS. Correct.

Ms. WASSERMAN SCHULTZ. Yes, that has been my concern, as well.

Mr. AYERS. Correct. Clearly I think $10 million——

Ms. WASSERMAN SCHULTZ. So we need more savings.

Mr. AYERS [continuing]. Is too little, but I also think that I can't come to you and say I need $200 million a year, which is roughly what our proposal said.

I have asked our team to go back to the drawing board and bring in some different kind of thinkers for us, some developers and some real estate professionals to help us think differently about the investment structure and what we need to do and when.

With the 2017 omnibus, we now have money to bring those experts on, and we will continue with that. I think when we get

something that we are comfortable sharing with you, we will. We are working on it.

Ms. WASSERMAN SCHULTZ. That is great. Last fiscal year, at these hearings, we initially, when we created the trust fund, I think put in $50 million or $70 million, and we had——

Mr. AYERS. Seventy.

Ms. WASSERMAN SCHULTZ. Seventy, and then, I think 50—or maybe 50 the next year. We put much more significant amount of funding initially, and we have only been doing $10 million increments in the last few. And given the very significant amount of money we are going to have to spend in increasing amounts over time, I asked Mr. Ayers last year to take a look at what was the right amount. And so it is just something that, in terms of our accountability and oversight, that we should monitor.

Mr. YODER. Okay.

Ms. WASSERMAN SCHULTZ. Thank you.

Mr. AYERS. You are welcome.

Ms. WASSERMAN SCHULTZ. Also I thank you for taking care of the ducks.

Mr. AYERS. Thank you.

DUCK RAMPS

Mr. YODER. How is that going, by the way? The ducks?

Mr. AYERS. The ducks are terrific. There are four broods out on the Capitol reflecting pool today. The duck ramps are in use.

Mr. YODER. Do they have names, these ducks?

Mr. AYERS. Not yet.

Mr. YODER. Okay. Well——

Mr. AYERS. Twitter has been active for a few days. They will have names soon, I am sure.

Mr. RYAN. Hey, naming rights we can generate in revenue.

Mr. YODER. There you go. We can put that in the trust fund.

LEAD IN WATER TESTING

Mr. YODER. Ms. Wasserman Schultz.

Ms. WASSERMAN SCHULTZ. I wanted to just ask you about the lead issue in Cannon and where we are. If you could give us an update on where we are with the lead abatement.

Mr. AYERS. Sure. Two things. First, I just want to acknowledge that Mr. Moolenaar and I spoke earlier, and he suggested that perhaps it is time for us to go back and communicate to staff with an update of where we have been.

We did a great job, I think, communicating with the Congress through the crisis, and we have not communicated since then. Perhaps now is a good time to communicate back to the Congress maybe with some townhalls or something about where we stand, and we will do that.

We brought in a consulting team to help us figure out what happened and where the lead was coming from. As we anticipated, there is no sort of smoking gun, but we did find a number of things: One is that it is very likely that the construction activity on all of those water pipes contributed to a lead problem. Two, the consulting team found pretty significant variability in the chemical makeup of the water in the building. Water pipes, especially those

with lead content, like very stable pH and very stable chlorine amounts in water. The test result showed that those things, both the pH and the orthophosphate and the chlorine levels had very significant variability which could result in lead leaching from pipes.

They recommended that we take some action to better control the variability of those things, and we have done some of that. They suggested that we implement a significant and regular flushing program. We have started that. And I would point out that they said that the lead problems in the building persist today. From my perspective, they do continue to persist. I think it is the best plan for us to leave the water turned off.

Ms. WASSERMAN SCHULTZ. You are still providing bottled water?

Mr. AYERS. We are continuing to do that and will do so until the end. And you know, throughout the basement, we replaced all of that piping. As we finish phase 1, we will replace all of that piping. From an engineering perspective, we don't see any reason why we couldn't turn the water on when Members move back in, because everything is completely new. It should be okay. So I think that is the first opportunity.

Ms. WASSERMAN SCHULTZ. And when is that?

Mr. AYERS. That is the next election move cycle, which is a year and a half from now.

Ms. WASSERMAN SCHULTZ. Got you. Thank you.

RAYBURN GARAGE

Mr. YODER. Mr. Ayers, we have talked a lot about the Cannon project. We know the Rayburn Garage project is continuing. I have had a chance to tour that. Last year, we provided $30.8 million for that project. This year's request includes $31 million for the third phase of four. You might give us a little update on its progress: on time, under budget, same sort of questions we had on Cannon.

You are also taking responsibility on the O'Neill Building; if there are any specific updates the committee should be aware of there. And then the Capitol Power Plant, we know we deferred the revitalization of the West Refrigeration Plant for several years now due to funding constraints. Your fiscal 2018 request includes $19.19 million to continue this project. You might update us on the situation there and what would occur if we are not able to provide those funds and the impact.

And then, lastly, so it is sort of three separate questions, and then the last thing would just be the deferred maintenance list. So we have alluded to $1.5 billion. Ms. Wasserman Schultz has brought up some of the long-term projects.

What else is out there? What is next after Cannon, Rayburn, taking over O'Neill, the chillers, what are your other big projects both in the coming years and long term?

Mr. AYERS. So Rayburn Garage first. We are undertaking a complete renovation of the Rayburn Garage. The concrete floor decking in the garage was unsafe. Concrete was falling off and the steel rebar inside the concrete was rusting and causing the concrete to fall off. It was in a very unsafe condition. We are well into phase 1 of four phases on that project, which is on budget and on time.

Each of those phases will take about 14 months to complete, and we don't see any issues with turning over those phases one after the other. We are pretty comfortable on that job.

O'NEILL HOUSE OFFICE BUILDING

The O'Neill House Office Building moves over to our control on June 8, and we have been incredibly busy the last few months putting together a comprehensive plan and schedule of what we need to do when to make that happen. This includes the people we need to hire, contracts we need to award, working with the United States Capitol Police, the Chief Administrative Officer and all of our legislative branch partners who all have a piece of that. We have been working together extremely well.

We think we are ready for June 8. I know the Capitol Police believe they are ready for June 8 as well. We haven't hired all the people we need, but we have hired many of them. We are partnering and have spent a considerable amount of time with GSA understanding how they run and operate the building, including what contracts they have in place to things as mundane as cleaning, trash collection and getting the trash out of the building to the right place and taking care of the green roof on the top of the building. We think we have a handle on what we need to do to make that successful. We feel pretty good about that.

CAPITOL POWER PLANT

At the Capitol Power Plant, as I mentioned in my opening statement, we still have two chillers from the 1970s. This is equipment that is now 37 or 38 years old that just is not efficient. Chillers today are at least 50 percent more efficient than chillers of the 1970s era. We are sitting in a nice cool room today due to the chillers at the Capitol Power Plant that are making chilled water and sending it out through underground tunnels to create air conditioning throughout all of our buildings.

I know I am quite convinced—and we often talk about it because it is such an anomaly—how important the Capitol Power Plant is to congressional operations. We have many other buildings that we think could go offline and that Congress could continue to do its business, but rest assured, in July, if we are not able to air-condition any building, I don't think the Congress is going to be able to undertake its business.

So it is important, and this equipment regularly fails, regularly fails to start when we need additional chilling capacity. We start the equipment, it fails to start and we have considerable trouble with it. I am looking forward to that investment. And I know we have funded part of that already, and we are hopeful that——

Mr. YODER. What is the total project cost of concerns there?

Mr. AYERS. I think it is $227 million, the total cost.

Mr. YODER. How much have we already appropriated?

Mr. AYERS. I don't know the answer to how much we have already appropriated, but I can send you that.

Mr. YODER. You got 19.19 in your 2018 budget request.

Mr. AYERS. Correct.

PROJECT PRIORITIZATION PROCESS

Mr. YODER. And then what is on the horizon? What are the deferred maintenance projects that create—I have looked through the list of that, but can you give the committee sort of a broad brush, the $1.5 billion in deferred projects?

Mr. AYERS. Absolutely. I think one of the interesting things in our budget, for those that might have a budget book here, we do give you a list of projects that we think need to go in the budget, and there are 21 of them. But we also give you a list of projects that we have deferred, projects that need to be done, that are ready to be done, but we have deferred them to another fiscal year because, through our project prioritization process, they don't rise to the top.

Many of them continue to be infrastructure projects. There are some electrical projects, some transformer projects wiring replacements, piping replacements for the Capitol Building, projects like that.

In the House, we have taken a little bit of a different approach. Instead of doing individual line-item projects, we will take many of these and group them together like we are doing with the Cannon project. The Cannon renewal is really 10 or 20 other projects lumped into one big renewal project. We think that is probably the right approach to continue with the House. We have not made decisions yet whether the Rayburn or Longworth is appropriate to move toward next, but I think for the House, that is the next big thing, after the Cannon Building runs out, to undertake one of those.

DEFERRED MAINTENANCE BACKLOG

Mr. YODER. Okay. Mr. Ryan.

Mr. RYAN. You know, as I hear, just to reiterate my point last time, these projects, $1.5 billion today, in 10 years are going to be a hell of a lot more.

Mr. AYERS. Yes.

Mr. RYAN. And how we can use, potentially use some bonding capacity to be able to get this stuff done when labor is cheaper, products cheaper, you know, all this stuff is a lot cheaper, I think that is worth us digging a little deeper in trying to explore the opportunities, Mr. Chairman. I mean, you know, I can only imagine what things are going to cost 10 years from now if we keep on the trajectory we are on now.

So I want to reiterate that point. Also, if you can give us an update on the investigations to the tragedy that Mr. Yoder mentioned in his remarks with Matthew McClanahan. I know there were two or three different groups looking into it. If you could give us a little bit of an update on, you know, lessons learned, I guess.

Mr. AYERS. Sure, happy to, and we will follow up with you on the bonding and other ideas that——

Mr. RYAN. I mean, if we are doing it for energy, we are able to do it.

Mr. AYERS. Yes. Exactly.

Mr. RYAN. And so, you know, clear the deck—not clear the deck, but make a little bit more headway. So anyway, thank you.

TREE MANAGEMENT

Mr. AYERS. Thank you for recognizing Matt McClanahan. That was a tragic accident and a tragic event for us. I think we as an agency are continuing to reel from that a little bit and working toward to get ourselves refocused. Most importantly, taking care of Matt's family, which I think we have appropriately done. I know they are incredibly appreciative of the work that we did and the support of the Congress as well.

We have 4,300 trees across Capitol Grounds. After this incident, we thought it appropriate that we have one of our certified arborists—we have several certified arborists on staff—go out and look at every single one of those trees. That has been done. It has been done for 2 weeks now, 3 weeks now. We laid eyes on every single one. That led us to remove seven trees. We thought seven of them probably ought to come down, so we took action and took those seven trees down.

After we looked at those 4,300 trees, we identified a little under 200 of them that we should come back and take a more indepth, or what we call a level 2, investigation on. We are halfway through that investigation. We will have that done by the end of the month, and I think that will give us a much better handle on where we stand on our tree program.

We do have—and I have told the group this so many times—a really good and dedicated and professional set of tree care professionals that take care of our trees across the Capitol campus. They are really taking this news hard, but I can assure you they have nothing but the public's safety in mind in the work that they do, and they continue to go about their work. Thank you.

Mr. RYAN. Thank you. That is it. I mean, it is just so beautiful to just walk through, and I remember when Mr. Murphy died, and we went out and dedicated a tree to him. It really hit home how much thought goes into every little detail of the campus, and I want to thank you for that, and I appreciate your work, so thank you.

Mr. AYERS. Thank you.

Mr. YODER. Mr. Taylor.

Mr. TAYLOR. All my questions are answered.

Mr. YODER. Okay. Ms. Wasserman Schultz.

Ms. WASSERMAN SCHULTZ. Nothing else.

Mr. YODER. Okay. With that, I remind the committee we have a hearing tomorrow at 10 a.m. And we have a hearing tomorrow at 2:30 p.m. So, at this point, the subcommittee will adjourn until tomorrow at 10 a.m. When we will hear from the U.S. Capitol Police.

[Questions for the record follow:]

QUESTIONS FOR THE RECORD

FROM CHAIRMAN YODER
CANNON HOUSE OFFICE BUILDING

Cost

To date, $440.9 million of the projected budget of $752.7 million has been provided toward the Cannon Renewal Project. For fiscal year 2018, you are requesting $62 million in "no-year" funds for this project.

- What amount of prior-year funding is currently available for AOC's use on the project?
  As of the end of April 2017, $158 million is available for future use to complete Phase 1 and begin Phase 2.

- What are the significant actions that require funding next fiscal year, and what are the expected costs of these actions?
  In addition to the aforementioned funding currently available, our FY 2018 budget request includes funding for Phase 2 construction activities. We estimate these costs to be approximately $126 million.

- Is the project on track to be completed within its projected $753 million budget? How do you know this?
  Yes, the project is on track to be completed on schedule and within budget. We have a rigorous change management process in place to consider and approve proposed scope changes. This process has worked well to control contract changes and we continue to monitor the project's process using cost-schedule risk assessments consistent with GAO's best practice guidelines. In addition, both the U.S. Government Accountability Office and AOC's Office of Inspector General have been monitoring the project. There is no indication that we are at risk of going above budget or beyond our completion date.

Schedule

Phase 1 of the renovation covering the section of the building bordering New Jersey Avenue, SE is currently in progress and scheduled to be completed in November 2018. Phases 2 through 4 to renovate the remaining 3 sections of the building will be completed in subsequent 2-year intervals with final project completion planned in November 2024.

- Is the Phase 1 work currently on schedule? How do you know that the work is progressing on schedule?
  Phase 1 construction remains on schedule and we are working closely with the contractor to monitor all activities. This information is shared with Congressional stakeholders through monthly briefings and written reports.

- What are the "critical path" activities affecting the schedule for phase 1?
  The project's primary, secondary and tertiary critical patch activities are currently on schedule and are carefully monitored to ensure they do not impact the overall schedule. These critical path activities include the basement hazardous materials abatement, basement utilities, temporary roof enclosure, fifth floor roof structural demolition and the fifth-floor roof new structure.

- Please describe the plans for transitioning work from phase 1 to phase 2. What are some of the key activities associated with the transition and when do these activities need to happen?
  The project will renew one entire wing of the Cannon Building every two years, to coincide with the Congressional move cycle. The construction is sequenced clockwise: starting with the west wing currently under construction, followed by the north wing, east wing and concluding with the south wing. Construction fencing and access adjacent to each wing will begin a few months prior to work on each phase.

Scope

- How has working in an occupied building affected the contractor's activities?
  The project was designed to minimize impacts to construction activities while working in the occupied building. This includes phasing the project, with each of the five phases aligned to fall between Congressional move cycles. In addition, work is performed during two shifts: one shift (night) is from 11 p.m. to 7 a.m. and another shift (day) is from 6 a.m. to 2 p.m. While these elements have increased the overall cost of the Renewal, they are necessary in order to allow construction work to occur alongside and with minimal disruption to building occupants.

- What steps are you taking to ensure that the contractor can proceed with his work while minimizing the disruption to Members and their staffs in adjacent spaces?
  To the extent possible, the Cannon Renewal team works to minimize the noise impacts of the construction activities on Members, staff and visitors. Any work that could potentially be loud or disruptive is done during the evening and early morning hours to avoid disturbing the work of Congress during business hours.

- Have any major items been added or deleted from the project scope to stay within budget?
  We are applying value engineering concepts to ensure there is sufficient construction budget available for major project scope items. To date, four building improvements that were removed during design were added back into the project due to favorable pricing. Additional items may be added back into the project in future phases.

RAYBURN GARAGE REHABILITATION

I was able to tour the work being done in the Rayburn Garage last month. Your request includes $31 million for the third phase of a four phased rehabilitation program for the Rayburn House Office Building garage. We provided $30.8 million last year for the total project requirement of $130 million.

- Please update the Subcommittee on the progress of this project?
  Phase 1 began in January 2017 and is progressing on-time and within budget. To date, the project has relocated all occupied spaces from the construction area. The removal of concrete slabs and the undertaking of structural repairs and waterproofing are ongoing.
- I understand we had a closure in the Rayburn House Office Building last week as a result of contractor jack hammering operations at the horse shoe. Please update us on what procedures you have in place to mitigate construction activities' impact the operations of the office buildings.
  We continue to rely on our risk management program to minimize the impact on Congressional operations. Safety meetings occur on a daily and weekly basis to ensure safety remains at the forefront of each employee while performing work. We increased the onsite construction supervision inspections to ensure both interior and exterior work elements are properly planned. In addition, preparatory-phase checklists are reviewed prior to any jackhammering or sandblasting operations to ensure systems are operating and appropriate precautions are taken.

O'NEILL BUILDING

Next month you will have the additional responsibility of operating and maintaining the Thomas P. O'Neill Federal Office Building.

- What steps have you taken to ensure a smooth transition?

  The AOC is leading a team of stakeholders to ensure a smooth transition. Our fellow legislative branch agencies are part of this transition team and are integrated into discussions of needs. The team identified and is executing the requirements for the transition. This includes coordination with the General Services Administration and Health and Human Services; ensuring the House Superintendent's staff is in place and trained for maintenance and operations; leading tours of the O'Neill for interested parties and for the House Superintendent's office to learn about building maintenance; contracting for services as needed; and communications with O'Neill occupants, House leadership, the House Chief Administrative Officer and the U.S. Capitol Police.

CAPITOL POWER PLANT

I know we have deferred the revitalization of the West Refrigeration Plant for several years now due to funding constraints and this may result in interruption of chilled water to the Capitol campus. Your fiscal year 2018 request includes $19.190 million to continue this important project.

- Briefly update us on the current situation of the chillers and the risk and impact if not funded soon.

Three of the CPP chillers are more than 37 years old and are showing signs of wear and increased failure of components. One of these is no longer operational and the other two are unreliable and have failed to start when needed. The expected life of this type of chiller is typically 25 years, so their replacement is well past-due. If not funded, we will continue to experience more failures, which ultimately could negatively impact Congressional operations.

DEFERRED MAINTENANCE LIST

I've seen your exhaustive $1.5 billion list of deferred maintenance.

- Please explain what goes in to prioritizing projects that are included in your annual budget requests.

We employ a Project Prioritization Process to rank every necessary project based upon the risk the project poses to our mission and the impact the project has on agency goals. We take into consideration aspects such as whether the project involves maintenance that is past due or maintenance prior to failure. These factors are blended together to form an overall rating. We also use various tools, including Facility Condition Assessments and the Five-Year Capital Improvements Plan to assist us in identifying the strategic implementation of projects.

THURSDAY, MAY 18, 2017.

UNITED STATES CAPITOL POLICE

WITNESSES

MATTHEW R. VERDEROSA, CHIEF OF POLICE
STEVEN A. SUND, ASSISTANT CHIEF OF POLICE

STATEMENT OF CHAIRMAN YODER

Mr. YODER. Good morning, everyone. Thanks for attending our hearing this morning. Good to see everybody. I would like to call the hearing to order.

This morning we will hear testimony from the United States Capitol Police regarding their fiscal year 2018 budget request. I would like to welcome Chief of Police Matthew Verderosa, who is testifying before this committee for the first time in his capacity as Chief of Police. Chief Verderosa has had an extensive career within the United States Capitol Police, rising through the ranks and ultimately becoming chief last March. Congratulations.

Also joining the chief today is Assistant Chief Steven Sund, who joined the department in January after a distinguished 25-year career with the Metropolitan Police Department. Congratulations to you as well.

I would also like to take a moment to thank all the officers and civilians of the Capitol Police for their service. Their presence allows Members and staff to safely conduct the people's work and ensures that visitors can safely enjoy their time on Capitol Hill. You are the ones who put your lives on the line every day to protect Capitol Hill in the same way that our brave law enforcement officers protect our communities all across America. You are the ones who run into trouble as others are running away seeking safety. You are heros, and we thank each and every one of you and your folks for their service.

This week is National Police Week, and Congress has welcomed many of those policemen and women to D.C. to recognize them for their heroism and to remember those we have lost. The United States Capitol Police was the host department for the Peace Officers Memorial event on Monday, which officers from my district in Kansas attended. My community back home was all too aware of the sacrifices that law enforcement makes to keep us safe.

Over the last year, three police officers have given their lives in the line of duty in my district alone. Brad Lancaster, Dave Milton, and Brandon Collins made the ultimate sacrifice, and they are on my mind this week, along with all their other fallen officers across the country.

With all that in mind, we turn to the issue at hand in today's hearing. Chief, your budget request for fiscal year 2018 is $426.6 million. That is approximately 8 percent increase from the enacted

level. We understand the importance of the critical mission and the role that Capitol Police plays in ensuring the safety of all of us.

I also understand that as the mission of the Capitol Police increases, so do the required resources to fulfill that mission. To that point, in less than a month, the O'Neill Federal Office Building will be transferred to the legislative branch, and the Capitol Police will be charged with securing the building.

Additionally, the police department is working towards enhancing garage security and adding prescreening capabilities all while maintaining current operations. However, our job is to scrutinize this requested increase and make informed funding decisions. In a tight fiscal environment, many competing priorities exist across the legislative branch that must be ranked and stacked in a holistic approach, which this subcommittee will do over the next coming weeks.

I look forward to hearing your testimony.

STATEMENT OF RANKING MEMBER TIM RYAN

With that, I yield to Ranking Member Ryan for any opening remarks he may have.

Mr. RYAN. Thank you, Mr. Chairman.

Good morning, Chief, and Assistant Chief Sund. Thank you for being here, first time as head of the department. Thank you.

First let me say thank you for your service. I mean, those of us who have been here for a while or new to the Congress, you are always there and not there all at the same time. And I know you are always trying to balance having access to Members of Congress, access to the government, but also provide protection for us both sometimes in our congressional district as well as here, so I want to say thank you for that.

We want to make sure we get you the resources that you need to be able to do your job. We have school groups coming through here all the time, a lot of our constituents come here, at the same time, balance that security with accessibility, and that is what we are going to try to juggle here with this budget, but we want to make sure you have the resources that you need.

Finally, let me just extend my condolences on the loss of Ryan Lee, a canine technician, who had been with the Capitol Police since 2003. And please extend to his family our thoughts and prayers are with him.

Chief VERDEROSA. Thank you.

Assistant Chief SUND. Thank you.

Mr. RYAN. Thank you, Mr. Chairman.

Mr. YODER. Thank you, Mr. Ryan.

At this point we will call on Chief of Police Matthew Verderosa to testify. Your remarks will be made part of the record. We have them in our—before us, and you may summarize your remarks for the committee.

Chief VERDEROSA. Thank you, sir. Good morning, Mr. Chairman, Ranking Member Ryan, and members of the committee. I am honored to be here today, and I appreciate the opportunity to present the United States Capitol Police budget request for fiscal year 2018.

I am joined here by some members of the executive team and executive management team, including Chief of Operations, Assistant Chief Steve Sund; Chief Financial Officer Jay Miller; General Counsel Gretchen DeMar; Inspector General Fay Ropella. And also with us is the president of the Fraternal Order of Police Labor Committee, Officer Gus Papathanasiou.

I would like to thank the committee for its unwavering support of the United States Capitol Police and for providing the necessary funding to support our personnel and operations. As we have seen over the past several months, our officers are well prepared and highly trained to deal with any circumstances that they may encounter. What at first may appear to be routine, may in fact be a threat to the safety and well-being of the Capitol Complex.

Accordingly, we have developed our fiscal year 2018 budget request of $426.6 million, with a focus on continuing to equip, train, and prepare our workforce to protect the U.S. Capitol and the Congress and to ensure they remain safe and secure.

As you know, starting next month, the department will begin protecting and securing the O'Neill House Office Building. This new mission requirement is one of our primary focuses, and we are confident that the transition from the Federal Protective Service to the USCP will be seamless for both us and the House community.

Additionally, due to the global threat environment and the tactics of terrorist organizations attacking public venues, we have worked in close coordination with the Capitol Police Board to determine that additional screening of various means must be employed to continue to keep the Capitol Complex safe.

As a result, our fiscal year 2018 request includes funding for an additional 72 officers and 48 civilians for the purpose of enhancing and completing broad security, add increased capabilities, and civilianizing certain sworn positions as part of a multiyear plan to bolster the overall security of the Capitol Complex.

Lastly, our request also addresses investments in training, recruiting, and outfitting new employees, replacing key equipment and systems that are becoming obsolete, and restoring annual levels reduced in previous fiscal years to meet vital department needs.

Our commitment to the mission and our steadfast dedication to ensuring the safety and security of Members, staff, and the millions of visitors who come to the United States Capitol is our top priority. This would not be possible without the dedicated men and women of the police department. I continue to be impressed with their overall performance and professionalism every day.

We continue to work closely with you and your staff to ensure that we meet the needs and expectations of Congress as well as our mission in a reasonable and responsible manner.

Once again, thank you for the opportunity to appear here today, and I would be pleased to answer any questions that you have.

[The prepared statement of Chief Verderosa follows:]

Testimony of
Matthew R. Verderosa
Chief of Police, United States Capitol Police
Before The United States House of Representatives
Committee on Appropriations
Subcommittee on Legislative Branch

May 18, 2017

Chairman Yoder, Ranking Member Ryan, and Members of the Committee, I am honored to be here today, and I appreciate the opportunity to present the United States Capitol Police budget request for fiscal year 2018. I am joined here by some members of my Executive Team and Executive Management Team, including Chief of Operations, Assistant Chief Steven Sund; Chief Administrative Officer Richard Braddock; Chief Financial Officer Jay Miller; General Counsel Gretchen DeMar; and Inspector General Fay Ropella.

First, I would like to thank the Committee for its unwavering support of the United States Capitol Police. On behalf of the entire Department, I would like to express our appreciation to the Members of this Committee and the entire Congress for providing the necessary funding to support our personnel and operations. The women and men of the U.S. Capitol Police work tirelessly to ensure that the Congress is able to securely conduct its legislative responsibilities without disruption, all the while exhibiting the utmost respect for the institution, the Constitution and protecting First Amendment rights of all individuals. I am thoroughly impressed with their performance, which is both seen and unseen by the community. And, I am thankful for their commitment to our mission and their steadfast dedication every day to ensuring the safety and security of Members, staff, and the millions of visitors who come to the United States Capitol.

As we have seen over the past several months, our officers are well prepared and highly trained to deal with any circumstances that they may encounter. What at first may appear to be routine or even mundane, may in fact be a threat to the safety and wellbeing of the Capitol Complex. We also are always aware that the dynamic nature of any threat can change very quickly as the circumstances unfold.

Mr. Chairman, the support of the Committee and the Capitol Police Board has contributed to our success in achieving our mission, as well as our ability to recognize and address the immediacy and dynamic nature of current threats. You and your staff have taken great time and made significant efforts to work closely with the Department's leadership team, and we are truly grateful for your keen understanding of the complexity of our mission and the challenges we face.

We have developed our fiscal year 2018 budget with a focus on continuing to equip and prepare our workforce to be agile and responsive to the operations of Congress and keeping the U.S. Capitol safe and secure. Our overall fiscal year 2018 request is $426.6 million, and represents an increase of approximately 8% over fiscal year 2017.

As with all other law enforcement agencies, personnel salaries and overtime make up the majority of our annual budget. However, we could not do what we do without our dedicated law enforcement officers and professional staff. We have continuously worked throughout the Department to effectively and prudently allocate our existing resources to achieve the best possible balance of staffing to meet mission requirements. We are regularly analyzing our workforce distribution to align job functions,

assignments, workload, risk management, and organizational readiness, along with the threat assessments and mandatory mission requirements, within a dynamic environment. Further, our 2018 budget request continues to address the Department's new responsibility of protecting and securing the O'Neill House Office Building, which will take effect on June 8, 2017. The Committee has been very understanding and cognizant of what this requirement adds to the Department's mission and its demands on our resources. Therefore, I am grateful to you and your staff for working with my team over the past several months to begin to address our resource needs as we assume this new responsibility.

As I noted earlier, around the world, we are seeing the nature of threats changing. Today, there are no routine traffic stops. There are no routine activities, as we have seen a rise in terrorist organizations attacking public venues. There have also been increased occurrences of homegrown violent extremist "lone wolf" episodes. As a result, we have seen an escalation in the number of mass causality events around the world and in the continental United States, and as such, every event on Capitol Grounds, from demonstrations to concerts to Members crossing the street for votes, must be considered to be at risk.

Based on this rise in terrorist events and the tactics displayed by the assailants, the U.S. Capitol Police are continuing to review our operational and tactical postures to ensure that the Department is taking every measure possible to maintain the security of the Capitol Complex, while allowing the legislative process to continue to function in an open environment. Working in close coordination with the Capitol Police Board, the Department has determined that additional screening of various means must be employed. This means deploying security measures to better secure and screen in the

House garages, implementing additional screening and pre-screening at various building access points, and utilizing enhanced screening portals.

Instead of immediately requesting an increase in additional sworn personnel, the Department looked at its current mission load and worked closely with the Capitol Police Board to identify areas to modify or eliminate mission requirements to offset these new mission requisites. Additionally, the Department reviewed duties currently performed by officers that could be civilianized and we began our initial efforts to reassign officers currently filling these roles to utilize their training and skills to better meet operational requirements.

As a result, our fiscal year 2018 request includes base funding for 1,871 sworn and 372 civilian positions, which is consistent with the staffing levels funded in fiscal year 2017. In addition, the request includes half-year funding for an additional 72 sworn officers and 48 civilians for the purpose of enhancing garage security, adding pre-screening capabilities, and civilianizing certain positions as part of a multi-year plan to bolster Capitol Complex security. To support these efforts, the fiscal year 2018 funding request reflects an 8% percent increase over the fiscal year 2017 enacted level for personnel costs. This increase is necessary to addresses the annual cost of living and benefit cost increases incurred by the Department, additional staffing requirements, and overtime costs to meet mission requirements.

As you are aware, the Department's current sworn staffing levels do not provide the complete and necessary resources to meet all of our mission requirements within the established sworn officer utility or the number of work-hours in a year that each officer is available to perform work. This

utility number is used to determine overall staffing requirements. It balances the utility of available staff with annual salary and overtime funding along with known mission requirements. These known requirements include post coverage, projected unscheduled events such as demonstrations, late-night sessions, and holiday concerts. The utility number also estimates unfunded requirements that occur after the budget is enacted, such as unforeseen critical emergency situations, and providing adequate police coverage of Congressional hearings.

Because of the need to fill the mission requirement gap through overtime, the Department has struggled to take our sworn personnel off of their posts to conduct training. In order to provide mandatory training, we must utilize overtime to ensure that the officers may be offline for training, while meeting our daily mission requirements. There are flexibilities that other law enforcement agencies have to offset or defer daily requirements to allow for officer training that our unique mission does not afford us.

Therefore, mission requirements in excess of available personnel must be addressed through the identification of efficiencies such as post realignment and/or reductions, technology, and cutbacks within the utility. Where necessary, we meet this requirement through the use of overtime. If the requested staffing levels for fiscal year 2018 are funded, the Department's overtime projection is approximately $40.7 million. This amount will cover base mission requirements, our support of non-reimbursable events at the Library of Congress, and the ability for sworn employees to be backfilled while they attend mandatory and necessary training.

For the Department's General Expenses budget, our request includes items such as protective travel; hiring, outfitting, and training new sworn personnel; supplies and equipment; management systems and technology upgrades; and other non-personnel needs. In planning for increases in both the number of facilities we will be protecting and staffing requirements, we are requesting $75.2 million for general expenses, which is an increase of $7.2 million over the fiscal year 2017 enacted level. This funding will address increases in operating costs including investments in training, recruiting and outfitting new employees, replacing key equipment and systems that are outdated and becoming obsolete, and restoring annual levels reduced in previous fiscal years to meet vital Department needs.

An important new requirement included in this request is a necessary $2.1 million investment in equipping a fully functioning Alternate Command Center. If the current Command Center at USCP Headquarters cannot be utilized due to power or access issues, at this time, the alternative is a room at another building that is sparsely populated with a limited amount of aging equipment. The proposed Alternate Command Center would include back-up power, emergency notifications systems, connectivity to the House, Senate and USCP messaging systems, secure communications, campus and airspace monitoring abilities, and stations for the commanders to conduct command and control oversight functions to ensure stakeholders are continuously provided situational awareness. As the level and type of threats have changed, we need to have all of the tools necessary to respond quickly and appropriately at our disposal. I believe having a fully functional, state-of-the-art Alternate Command Center at the ready is essential for the Department.

As the Chief of Police, it is my fiduciary responsibility to look at every possibility within the Department to accomplish our mission before asking for additional resources. The Committee and the Congress have been very supportive of the Department, and I would not ask for additional resources unless we have identified a great need. We put in much time and planning while formulating our budget request each year. For the past seven years, we have implemented uniform procedures to effectively measure and justify USCP planning, program, and resource requirements through a comprehensive, standardized, and repeatable management process that we call the "Force Development Business Process." It provides a transparent decision-making process that includes reviews and approvals by an Investment Review Board made up of key agency management, and it provides a structure that is results-driven and based on meeting operational needs. In addition, to ensure the accuracy of our budget request, our fiscal year 2018 budget went through multiple layers of review and validation, and is tied to supporting documentation for each budget element.

Further, I am pleased to report that the Department received its sixth consecutive unmodified "clean" opinion on our financial statements from the USCP Office of Inspector General (OIG). The Department truly values the OIG's assistance in our efforts to further improve operations and performance, and the long-term resolution of recommendations related to internal controls, business processes and material weaknesses remains of the highest importance to me and our management team.

I am also proud to note that the Department was awarded the Gold Standard from the Commission on Accreditation for Law Enforcement Agencies during our fifth accreditation in 2014. This is the highest rating that a law enforcement agency can receive, and is reserved for organizations that

exhibit strong organizational health. In 2017, the Department once again is seeking the Gold Standard accreditation, and will be going through an onsite assessment in August. This regular accreditation process ensures that we are continuously reviewing our programs and functions, sharing and receiving lessons learned with peer law enforcement agencies, and most importantly, constantly implementing best law enforcement practices into our operations.

In closing, Mr. Chairman, I want to assure the Committee that the U.S. Capitol Police is committed to always being at the ready to ensure that the Capitol Complex is safe and secure. Our fiscal year 2018 budget request was developed with great thought and discipline to ensure that the necessary mission requirements were at the forefront of our planning and prioritization. We will continue to work closely with you and the Committee staff to ensure that we meet the needs and expectations of the Congress, as well as our mission, in a reasonable and responsible manner.

Again, I thank you for the opportunity to appear before you today. I would be pleased to answer any questions you may have at this time.

Mr. YODER. Thank you, Chief.

Assistant Chief Sund, do you have testimony to bring this morning?

Assistant Chief SUND. No, sir.

Mr. YODER. Okay.

Assistant Chief SUND. Nothing——

Mr. YODER. You are just available for questions?

Assistant Chief SUND. Yes, sir.

Mr. YODER. All right. We will grill you a little bit.

Thank you for your testimony. We will now turn to questions.

ADDITIONAL POSITIONS REQUESTED IN FISCAL YEAR 2018

Chief, I have noticed in your budget request for fiscal year 2018, you have asked for 72 new sworn officers and half year funding for 48 civilian positions. You might discuss a little bit the purpose of those new positions, why do you need them, and why they are a priority?

Chief VERDEROSA. The focus for the next several years of the Capitol Police is to enhance our ability to accomplish three major initiatives plus staff the O'Neill building with regularly assigned personnel.

The three major initiatives are completing the House garage security, providing prescreening and additional screening at entrances at all the office buildings, as well as enhanced use of the portal scanners, which are currently only used during major events in the House Chamber, such as joint meetings, joint sessions, or major votes. The thought is to use those and employ those as a supplemental effect on our current screening, which gives us another capability to detect any types of threats that may be entering the chambers.

Mr. YODER. How much of this increase is related to the Rayburn House Office garage and other garage security projects?

Chief VERDEROSA. The garage security projects would equate to 39 full-time equivalents. Once we begin the O'Neill transition, which I believe will go seamlessly, we have been working very closely with the transition team to begin that process, and I don't think anyone will even notice the difference other than our staff will be in place, all the systems that we need will be in place.

Secondarily, since that is primary and that is occurring in June, that will be the first initiative, the garage security implementation is subject to funding of those additional personnel.

In order to effectuate the change, as we did in both underground garages, the Longworth and the Cannon underground, you have to implement the security project all at once, you have to do it completely. Otherwise, there is really no point in starting security unless you can do the whole building. Once we have those personnel onboard, we would be able to begin to cover those open lobbies inside the Rayburn, subject to the construction schedule. And then once it is done, we would complete the fifth phase.

Mr. YODER. I am interested in the timing on that——

HOUSE GARAGE SECURITY

Mr. YODER [continuing]. Because yesterday we had the Sergeant at Arms here and we were talking about the completion of that

project and when that security would be necessary. He thought completion of the project would be in calendar year 2022. So do you see this being a need for those officers to secure those doors in 2018, because obviously your point is if you are not done, then there is no point in having partial security.

Chief VERDEROSA. Correct. It will take approximately 1 year to hire, train, and deploy new officers. If funding for these positions were to occur in fiscal year 2018, we would likely be able to initiate security at the number of venues inside the Rayburn which would be open. This would be three or four places, while the building is still under construction.

It will take about a year from the time that the funding comes in to actually get the officers in the field. So we could start prior to 2022.

Mr. YODER. Okay. And then once garage security is implemented, how is congressional staff going to flow through this? I noted that in the Senate, they have garage security, but as a result, when the Senate staff goes from the Senate office buildings to the Capitol, they actually don't go through screening again.

Chief VERDEROSA. That is correct.

Mr. YODER. So in the House side, if we had screening at every entrance into the House office buildings, would the House staff then have to get screened again to go into the Capitol?

Chief VERDEROSA. No, they wouldn't.

Mr. YODER. Okay.

Chief VERDEROSA. One of the offsets or benefits would be that once the Cannon and Rayburn are completed, then everyone entering the buildings, whether it is through a door or through the garage, would be screened, and that would alleviate the need for staff to be rescreened to go over to the Capitol.

The staff-led tours, the citizens who would be subject to the tours would still need to be screened for prohibited items. This is a different level at the Capitol. So we realize the offset once both the Cannon and the Rayburn are completed, and we will be able to eliminate some posts, and that is how we got it down to the number that we——

Mr. YODER. So because of that, you have already factored in the reduction in screening posts for staff——

Chief VERDEROSA. Yes. Ultimately at the end.

Mr. YODER. Okay.

Chief VERDEROSA. Yes.

Mr. YODER. Okay. Mr. Ryan.

CIVILIANIZED POSITIONS

Mr. RYAN. Thank you, Mr. Chairman.

I just have a follow-up on the budget request. You say that you want to hire 48 new civilians in order to turn some current positions filled by sworn officers in the command center and the background investigations, et cetera.

Chief VERDEROSA. That is right.

Mr. RYAN. So does this mean over the course of the next year, you want to effectively increase the number of officers to over a hundred?

Chief VERDEROSA. We would get utility out of approximately 120, 72 new plus the 48 that are currently in command center, communications, Rayburn range, firing range. Once those are civilianized, we would take those sworn officers at a much quicker rate than we would a new hire and put them in the field.

Mr. RYAN. Okay. And it is a half a year because of the training? Is that——

Chief VERDEROSA. Hiring and training, it takes a little bit of time to——

Mr. RYAN. Okay.

Chief VERDEROSA [continuing]. To complete the position descriptions and get that number of personnel onboard. We would hire positions in a group, we would hire X number of command center technicians, X number of communications. Rather than hiring one or two positions at a time, we would hire a class of command center technicians so that we could effectuate the move.

QUALIFICATION STANDARDS REQUIRED FOR NEW HIRES

Mr. RYAN. So just to help me understand, so before you even hire and get to the training piece, Capitol Police training, what needs, what level of training or education do they have to have before they even apply for the job? Is there a certain standard, a certain level?

Chief VERDEROSA. It depends on the job for the civilians. For the command center technicians, we look for personnel who have experience in running a JOC, a Joint Operations Center. For communications, we currently do hire civilian dispatchers and they do three functions: they do alarm monitoring, they do call taking, complaint call taking, and they also do dispatching.

We would eliminate the sworn position once we had a sufficient number. The command center is a larger number, so we would want to bring people on and train them all at once.

COST TO TRAIN AN OFFICER

Mr. RYAN. What do we spend per officer to train? Do you have that number?

Chief VERDEROSA. I don't have it with me, but I do have that number, and I can submit it for the record.

Mr. RYAN. Okay. I would like to get that.

[The information follows:]

Hearing on the United States Capitol Police FY 2018 Budget Request

Questions for the Record
Ranking Member Tim Ryan

Question: **What do we spend per officer to train?**

Response: The Department spends approximately $18,500 to outfit, equip, recruit, test, and train a new recruit. The table below provides a breakdown of all of the costs.

Cost to Equip a New Recruit		
Uniform and Related Equipment	$	4,500
Training, Weapons, Ammunition, Range Use, Role Players	$	5,000
Radio and Accessories	$	6,000
Recruiting and Testing	$	3,000
Total	$	18,500

Excludes staff salaries.

Chief VERDEROSA. Sure.
Mr. RYAN. Thank you, Mr. Chairman.
Mr. YODER. Mr. Amodei.
Mr. AMODEI. Thank you, Mr. Chairman.

MANDATORY RETIREMENT AND RE-HIRING SWORN IN CIVILIAN POSITIONS

Chief, there is something, and I apologize. Because of the schedule, I didn't get a chance to get with you guys before, but I would kind of like to—these are all mostly in the context that I would like to follow up with you on some things.

The first one is my understanding is that in certain—your mandatory retirement age is 57, I think?

Chief VERDEROSA. It is, yes, sir.

Mr. AMODEI. So in some instances, and it kind of gets into what you talked about in your opening statement about civilianizing certain positions, stuff like that, and I think there is also a waiver where you can, under whatever your circumstances are, which I am not familiar with, although I would kind of like to get those if I could——

Chief VERDEROSA. Sure.

Mr. AMODEI [continuing]. You can extend somebody to 60, but the question revolves around, if there are instances where people are retiring and then being rehired in civilian positions to kind of do their same thing.

Now, I am not coming to any conclusion. I will say, hey, if somebody is pretrained or whatever, maybe, but I am also wondering about, so does that slow down the opportunity for folks still in the system for promotion? I know that your funding isn't the Federal retirement system stuff, so you can say, well, they may be getting two Federal checks, but it is not out of the stuff we are talking about here.

So I would kind of like to get an idea of the scope of the issue in terms of how often has this been done, like, say, in the last year, and just what the thinking was in terms of, hey, we decided to rehire Amodei in a civilian capacity because, you kind of fill in the blanks. So that is one, just to get an idea of how that is working.

Chief VERDEROSA. Sure.

Mr. AMODEI. Obviously my concern, if there is one, under full disclosure is, if this is knowingly or unknowingly prohibiting the opportunity for promotion from within, I just kind of want to know that you guys have thought about it in terms of for folks that are—and since——

Chief VERDEROSA. Sure.

Mr. AMODEI [continuing]. I am north of 57, you know, I don't know why I am sensitive about folks under 57, but just for the heck of it, let's take a look at that and what the waiver is meant for in case there are reasons why the waiver wasn't used.

Then the other thing that I—my understanding is, is that your counsel for the department, when you do personnel matters, you have advice of counsel, which is appropriate and all that other sort of stuff, but that the Police Board uses the same counsel when they are appealed to. I don't know if that is true or not, but if it isn't true, then you can just get me back the information and say, no,

the Police Board uses Yoder and Ryan, Inc., for their counsel or something like that.

But if they do use the same counsel, my concern is this, in a due process sense, where it is, like, if they are acting as the appellate authority, then it would seem to me that if they are in fact using the same counsel, you are kind of combining, if you will, the prosecutorial with the judicial thing in terms of separation of—so that is the thought there.

ROLE OF USCP IN DETERMINING DOOR CLOSURES

The final one is, since I am a continual griper about doors at Cannon, which isn't specifically your jurisdiction, but you guys play a part in it, I would like you guys to just get me a short thing saying, when somebody is talking about access to buildings and whether we open a door, don't open a door, how long it is open, here is the role the Capitol Police play in it. And I am not trying to sneak around on the Sergeant at Arms or anybody else, but if I want to have a discussion as this goes on throughout the construction in Cannon, I just want to make sure that I start out at least a little bit educated.

Chief VERDEROSA. Certainly.

Mr. AMODEI. So we will get back with you off-line and get that information from you, and I appreciate it.

Chief VERDEROSA. Sure. I will say that the Capitol Police Board does have the authority to waive mandatory retirement up to age 60. We have done it. As a matter of fact, we have a blanket waiver in place until September 30 of 2017, this year, for those who are mandatory this year. Because of the budget situation and continuing resolution, we wanted to maximize our ability to staff.

And we are also contemplating, based on the initiatives and the need for personnel, extending the waiver again to those who are under 60. I think in 2017, it affected, I believe 16 people, some took advantage of it, some did not. In 2017, it is a smaller number, I believe it is 12 that are mandatory. We have a number of people who reach that 25-year at any age and decide to go and change options.

When we civilianize, what will happen is these individuals will convert over to a civilian position. So they are not going to retire and then obtain additional salary. If someone on the sworn side wants to put in for a civilian position, they are free to do so. And some do that.

We have had that in a number of instances where people for whatever reason, sometimes they are tired of shift work and they want some steady duties. We had an official become a background investigator, met the qualifications, hired on as a civilian employee and they are converted over, as opposed to collecting retirement and becoming a paid civilian employee.

Mr. AMODEI. Okay. Great.

Chief VERDEROSA. But I will get back to you on those other things.

Mr. AMODEI. We will get on your calendar.

Chief VERDEROSA. Absolutely.

Mr. AMODEI. Thank you.

Mr. YODER. Ms. McCollum.

Ms. MCCOLLUM. Thank you.

Well, good luck with the accreditation coming up.

Chief VERDEROSA. Thank you.

Ms. MCCOLLUM. You have been successful with receiving the Gold Standard accreditation in the past, so I am sure you will do well this time.

SPECIAL EVENTS PLANNING COORDINATION

Mr. Amodei and I are both on the Interior, and so one of the things that I was noticing that you were talking about in here with some of your overtime is some of your unscheduled events, and one of them is listed as the holiday concerts, but you kind of know when they are coming, they are not too unscheduled. Memorial Day is Memorial Day and——

Chief VERDEROSA. That is true.

Ms. MCCOLLUM. With what is coming up now with the Folk Life Festival in July down here, how much of a planning goes on between you, the Park Police, and the Smithsonian with some of the upcoming events so that you know you might be having extra visitors coming through the Visitors Center and things like that? At one point the conversations were pretty good, and I haven't followed up to hear how well it is going.

Chief VERDEROSA. That is a great question. Thank you, ma'am.

We work very closely, almost on a daily basis, with our partners in the Park Police, Park Service, and Metropolitan Police. The three most prominent permit issuers for demonstration activity, events, special event planning are the Park Service, Metropolitan Police, and the Capitol Police on behalf of the board controls the traffic regs.

So we work very closely, we look at the intelligence, we look at open source information, all the information that is available to us to determine crowd sizes, movements of crowds, determine whether or not streets need to be opened or closed to accommodate large numbers of attendees.

Fourth of July is a good example of multi-agency planning. We work very closely with all of the entities to make sure that the flow of people to particular areas is smooth. We share information about any possible issues, whether it is law enforcement or other—otherwise in terms of are there any threats or any types of dangers that the public needs to be aware of, and it could be as simple as weather related. We certainly coordinate very closely.

For all of these major events, large events that encompass the entire National Mall or large demonstration activity, we have our partners in our command center so that we have direct communication. We will have a command official from the Metropolitan Police or the Park Service or the Park Police, sometimes the military, depending on what the issue is, the D.C. Fire Department has dispatched all of their medical calls for events that are occurring on Capitol grounds right out of our command center.

Ms. MCCOLLUM. Right out there.

Chief VERDEROSA. We have a very great working relationship. You know, in the year preceding the election and all of the various events and demonstration activities, I have never seen the coordination any better in at least the last 10 years. We really have a

great operating relationship with our partners, and I think it benefits everybody, it benefits the entire city.

Ms. MCCOLLUM. Okay, and the air support, the one helicopter that you rely on is provided through U.S. Park Service.

Chief VERDEROSA. That is correct.

Ms. MCCOLLUM. We have talked about that——

Chief VERDEROSA. Right.

Ms. MCCOLLUM [continuing]. Before and working on constantly approving that.

NON-REIMBURSABLE OVERTIME EVENTS

Could you tell me a little more, on page 5 you have—at the bottom, you talk about some of your missions and personnel, and you have a line in here, it says, this amount will cover—the amount of $40.7 million—will cover our base mission requirements and our support of nonreimbursable events at the Library of Congress.

What are the nonreimbursable events at the Library—I know we go—we were just over there on Monday night, and so you probably have more staff on providing security for us. Are there other nonreimbursable events at the Library of Congress that wouldn't have a high attendance of members that you are not being reimbursed for?

Chief VERDEROSA. The reimbursement goes to any security initiatives that are over and above what we would typically have for those buildings.

Ms. MCCOLLUM. Well, what would be an example? One example is when we go to the dinners, when—and it is a highly attended event by members, but what would be another—I can ask the Library too, but——

Chief VERDEROSA. Sure. If we open——

Ms. MCCOLLUM [continuing]. You are the one picking up the tab, not the library, it sounds like.

Chief VERDEROSA. If we open additional doors—as a part of the regular cost of doing business, if it is something that we would do, whether it is a congressional building or another building that we would have a normal number of patrols or a normal number of doors open, then we would not seek reimbursement.

If it was a private fundraising issue at the Library and we had to provide extra access, doors open, those are the types of things that are reimbursed. And there is an analysis that is done between the Library and the Capitol Police to determine whether or not it is reimbursable.

Ms. MCCOLLUM. But it says in here your support of nonreimbursable.

Chief VERDEROSA. Which is the typical overtime. So if it is a Presidential arrival at the Library, we will——

Ms. MCCOLLUM. Oh.

Chief VERDEROSA [continuing]. Provide X number of officers to ensure that the security is adequate. If it is a large congressional event, that may be one that was not reimbursable. We may spend extra additional duty on the event, but it is not one of the deemed reimbursable events.

SALARIES FUNDING FOR HOUSE GARAGE SECURITY

Ms. MCCOLLUM. The last question I have is kind of a follow-up to what the chairman was asking about staff in the garages. If I heard you correctly, you are not going to open up and start doing any of the security until you are ready to open up the doors for everything, that it is going to take hiring and training on here.

So my question is, the dollar figure that you have for the personnel for the garage, is that based on a full year, is that based on a half year? If you don't have it with you—I am not trying to play Stump the Band. Could you break that down, because I am wondering if a year from now when we are doing this, that column line is going to go up another 3 or 5 percent because now everybody is on full-time, or have you figured it full-time and you might not use it all, which is fine, because you get gold stars from the accounting office, so you keep good track of all your pennies.

But I am just wondering if that might be an increase that we should take in account as we go through and plan our budget for this year, that that actually might be more expensive in the pending years?

Chief VERDEROSA. Right. I believe it is half year. It is half year funding.

Ms. MCCOLLUM. It is half year funding.

Chief VERDEROSA. Yes.

Ms. MCCOLLUM. Okay. That makes more sense. Thanks.

Chief VERDEROSA. Sorry.

Ms. MCCOLLUM. Thank you, Mr. Chairman.

Chief VERDEROSA. Sorry if I confused the issue.

Mr. YODER. Thank you, Ms. McCollum.

Mr. Taylor.

ALTERNATIVE COMMAND CENTER

Mr. TAYLOR. Thank you, Mr. Chairman.

Thank you guys for being here today. I appreciate everything that you do to keep us safe.

Your request for the $2.1 million to invest in a fully functioning alternative command center, at what functioning level would you say the current alternative room is and what needs to be done to get it to 100 percent functionality?

Chief VERDEROSA. We have minimal ability. We have very basic ability to continue to function. The addition would be systems that we have in place at the command center, some of which are unclassified, some of which are classified. We would want that capability in the alternate, which I think is easily done with the requested amount. The capability we have now is less than perfect. It is a vulnerability that we want to close.

We have redundancy in our communications, we have redundancy in our data, and this is the third component of the redundancy. This would give us the ability to get that room hot in 5 minutes, 5-minute response time.

PERCENTAGE OF OVERTIME FUNDING ATTRIBUTED TO TRAINING

Mr. TAYLOR. Okay. And the second question, the $40.7 million to cover off-line trainings and overtime, can you explain what alloca-

tion percentage, roughly, is for trainings and what type of trainings?

Chief VERDEROSA. The training that is covered, and the Congress and committee has been very generous with us, and we are—we are not like a typical police department where we can pull some cars off the street and send people to training. We still have to staff doors at the level and the expectation and controls.

Congress has allowed us—has afforded us in the past 24,000 hours of additional duty backfill. We would take people off posts and fill those positions that they are vacating at the cost of 24,000 hours.

Typically, the training is active shooter training, experienced officer training, which provides also legal updates, handcuffing, and physical training, various entity training. Certain elements have different requirements based on what their job function is. Investigators are different than the field officers. It is all these types of trainings that should be done periodically that we really want to get everyone properly trained.

Mr. TAYLOR. Just one quick question. What roughly percentagewise is that at the $40.7 million and how does that compare to last year's?

Chief VERDEROSA. The training was $1.5 million of the overtime.

Mr. TAYLOR. Is that roughly the same as last——

Chief VERDEROSA. Yes.

Mr. TAYLOR. Okay. Thank you.

Chief VERDEROSA. That is an annual request.

Mr. TAYLOR. Thank you, Mr. Chairman.

Mr. YODER. Ms. Wasserman Schultz.

SWORN STAFFING PLANNING

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

Chief, welcome. And it is a pleasure to work with you.

Over the last number of years, particularly the last three, and during my tenure on this committee, I can't remember a fiscal year in which the Capitol Police didn't request a substantial increase in sworn officers.

In fiscal year 2016, your actual sworn was 1,769, your inactive sworn in fiscal year 2017 is 1,871, your request for fiscal year 2018 is 1,943.

What kind of planning is done over multiple years that would ultimately one day result in you not needing a substantial increase in sworn officers? I realize there are unique needs that we have, as this is not a typical police force, but the Capitol Police gets a substantial increase, much more than any other agency in our jurisdiction, every year, a substantial increase in equipment, substantial increase in sworn officers. It never seems like your mission is reached.

So how do you come up with the number of additional officers that you need? Is it based on a formula? Is it based on threats? I would like to know, in what fiscal year are we going to not seek an increase in sworn officers, because there are—there is a sense that you will never believe that you have a sufficient amount of sworn officers. And I don't mean this as criticism, I certainly want

us to meet the needs of security, but you do say in your testimony that we, as we know—where is the—I am going to find it.

As you are aware, the Department's current sworn staffing levels do not provide the complete and necessary resources to meet all of our mission requirements within the established sworn officer utility or the number of work hours in a year that each officer is available to perform work.

Each year, frankly, when these come—when the Capitol Police leadership has come, I presume that the request that you are making, if we grant it, is going to meet the needs that you have.

Chief VERDEROSA. Sure.

Ms. WASSERMAN SCHULTZ. So I am not aware that we have not previously met your needs. When we fund your request, to me, we have met your needs.

Chief VERDEROSA. Well, thank you for the question. I appreciate that. I will give a little background.

In terms of the number of 72 recruits, 72 plus the projected number of attrition is what we can physically handle through our training academy. Based on the three initiatives, prior to the O'Neill coming into play, we had a multi-year plan, and the multi-year plan was to cover what the Department and the board believe are vulnerabilities to the complex in terms of the additional screening in the garages, the additional pre-screeners at the office buildings, and the enhanced use of the portal scanners for daily use. All of the FTEs and civilianizing positions to get the utility out of those sworn that are in positions that could be civilianized will support those initiatives. The 72 positions, and the 48 positions, the total of 120, would not reduce existing overtime.

We have an FTE shortage and we have looked at validation through various studies we have done on our manpower that dates back to the GAO days on how we utilize our manpower. In regard to our formula and our processes, we examine vulnerabilities, we look at what we want to accomplish with the staffing, and then we add—we seek the staffing to secure those vulnerabilities.

Ms. WASSERMAN SCHULTZ. It feels like that changes every year.

Chief VERDEROSA. It does, and it can be based on the type of attacks that are occurring in the world. We certainly react to known information and also classified information, but this is more about a bicameral approach to the entire Capitol grounds to make the campus safe, to prevent attacks and to keep the issues that occurred at the CVC last March outside the building to the extent that we can.

OVERTIME CAP

Ms. WASSERMAN SCHULTZ. Are you still exceeding your overtime cap?

Chief VERDEROSA. I think we did not have to—and I will look at my CFO on this—make any type of transfer last year.

Mr. MILLER. We didn't have to transfer. We just had minor adjustments to it for some excess, but still within our salary levels.

Ms. WASSERMAN SCHULTZ. But you had more overtime than you are authorized for? Is that it?

Chief VERDEROSA. We were within our salary appropriation, but we had to make notification based on the expectation of what it would be used for.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, this has been a problem for a long time. I totally support the Capitol Police and meeting their needs, but I have been concerned for a while that you don't have a long-term plan that at least is apparent.

It feels like your mission changes every year, and it should change based on the needs that we have and shifting security challenges, but more toys and more officers—the quest to continue to grow is not appropriate, and so I really think we need a better sense of at what point and at what level does this committee need to fund you so that you have the adequate footprint that you need to meet your mission so that we can better plan for your funding needs and not get hit with a substantial increase.

This is the smallest bill of all of them, and while we have been flat funding, or essentially flat funding many of the agencies in our bill, the Capitol Police continues to get substantial increases, and I would just like to make sure that those increases are planned for.

I have additional questions in the future.

Mr. YODER. Mr. Moolenaar.

KEEPING THREATS OUTSIDE OF THE CAPITOL

Mr. MOOLENAAR. Thank you, Mr. Chairman. And welcome, Chief. It is nice to see you again.

Chief VERDEROSA. Nice to see you, sir.

Mr. MOOLENAAR. I want to thank you and your team for allowing me to kind of see your operations and kind of understand how you work here at the Capitol. I very much appreciate you for that.

Just as kind of a follow-up to some of those discussions and some of the discussions you were just having, one of the things that struck me is you have a perimeter that you are covering, and I think there has been tremendous progress where people around the Capitol area feel much safer and secure, and I want to commend you and your team for that, but you also made a point just now about keeping incidents outside of the Capitol.

And one of the things you shared with me is, you know, when there is an incident, sometimes it is already in process in the Capitol by the time you become aware, and one of your goals is how you kind of move that barrier out.

Chief VERDEROSA. Right.

Mr. MOOLENAAR. Could you speak to that a bit, because I think that is pretty compelling?

Chief VERDEROSA. Sure. The goal is always to keep the threats far away from the body, the icon, the Capitol, and the various many, many thousands of people here on a given day, the members, obviously.

Certainly our robust presence influences whether or not there are negative or criminal acts occurring. In any given year, we process anywhere between 10—that includes staff and our members, but between 10 and 15 million people, and there are many more who walk through the grounds.

It is an open campus and it is a very difficult task to provide a level of security that assures that the Congress and the Members

can do their work while still fostering that relationship with the public and having it be a welcoming environment. We try to do so as unobtrusively as we can and with as minimal impact to the business process or the functions of Congress.

What we want to do is we want to keep the bad guy away and we want to have a deterrent in place. By having pre-screening at doors, and keeping the threat outside and having the ability to more easily lock down a door if necessary to engage the threat outside of the door or in the street or on a border street. This is preferred to getting close to the campus, that is the goal. Sometimes we are able to do that and sometimes we are not.

You can walk up close to the building and eyes are watching and we have other technology, but the goal is to keep threats as far away as you can. This takes a significant amount of personnel. I am certainly very aware of the impact that we have on the rest of the legislative budget, and the committees have been very gracious with us in terms of providing us resources. I do want to be completely transparent in how we operate.

The number of 72 positions over multiple years will accomplish the goal of getting to the end result of achieving those three mission sets plus O'Neill, the completion of the garage security, prescreeners outside each open access point, and the portal scanners. That total package will help make this campus safer.

Mr. MOOLENAAR. Great. Thank you.

NEW COMMAND CENTER

Mr. YODER. Chief, in your budget request, you are asking for $2.1 million for a new command center.

Chief VERDEROSA. Yes, sir.

Mr. YODER. And I believe that is in the Fairchild Building——

Chief VERDEROSA. It is.

Mr. YODER [continuing]. Which, as we know, is a building that is privately owned that we lease. And I wonder what your thoughts are about why that is the preferred location, and would it make more sense to have that new command center in a building we own. It is a $2.1 million investment. And so maybe you could speak to that.

Chief VERDEROSA. Sure. It is mostly technology. It is actually in a space that would be dually used. It would be vacated by the Chief Administrative Officer. There would be some minor alterations. Well, I don't want to say minor. There would be some alterations to that space, but it is four systems, the cost to bring the systems in, to run a pathway and to have that capability, and we believe we will have that ability to do it much sooner if we were to outfit this portion of the Fairchild Building. If we were to vacate that space, it is likely most of this technology would be ready for lifecycle at that point. I think it is a good investment. It is more immediate. Rather than wait for that capability, we determined that it would be appropriate to ask in this request.

Mr. YODER. What about a site that we own? Did you look at other sites? Like, what about the O'Neill building, for example?

Chief VERDEROSA. Well, that is an option, but it is really dependent on the tenants that are in that space now and people vacating that area as opposed to—so if it is going to be extended for a year

or two. I am really not sure what the length that the current tenants would be in that space.

Mr. YODER. But if the space was available there, that would also be an acceptable site for you?

Chief VERDEROSA. Yes.

Mr. YODER. Okay.

Chief VERDEROSA. Absolutely.

Mr. YODER. Okay. You know, one of the things that we have seen around the country is more concerns with district office safety. We discussed that yesterday at a hearing we had, and there are some measures that have been requested in the House of Representatives budget to allow additional security measures within district offices.

USCP COORDINATION WITH DISTRICT OFFICES

And what role does the Capitol Police play in that? You know, in many cases when Members of Congress attend events, sometimes the local city police will be there just to have a presence.

Do you coordinate in that in any way? Is there anything in the budget request that would request some of the additional concerns that Members have with district office security?

Chief VERDEROSA. Absolutely. One of the things that we do is the law enforcement coordination at the request of Members. Members can work through the Sergeant at Arms or request us to do an analysis on an event that is at a district office, an outside event. Thus far this year, we have done 184 member-related law enforcement liaisons with district offices, and that also includes reaching out to the local law enforcement.

We do it for both House and Senate. Without requests reached out to 178 offices when we found something that was occurring, that was planned to be occurring either at a district office or at a Member's event. The advent of a lot of the technology and the information that is out now helps us with that, but we have investigators that actually look at these events to determine whether or not there is a threat, at what level of concern that these events are occurring. That certainly is something that we do. We also provide threat assessment and security awareness briefs, not only through D.C. member offices, but we will also do that for district offices. A lot of times we can do that through technology, through video teleconferencing or webinar as opposed to going, but we can also physically go out there.

Mr. YODER. Is there anything in your budget that reflects some of the growing concerns? Is this sort of standard work that you have always done to protect, or do you see changes in your——

Chief VERDEROSA. We are doing that at a much greater rate, so we are spending some additional duty on that, some overtime.

IMPACT OF NEW OFFICERS ON OVERTIME

Mr. YODER. And there has been some discussion, Mr. Taylor brought this up and Ms. Wasserman Schultz, regarding overtime. And I noticed in the request, $40.7 million in overtime request, while at the same time we are asking for the 72 new officers.

Is there a point at which the new officers, if granted, would reduce that, or is the assumption that if we didn't grant the officers,

you would need more overtime? You know, where—I assume at some point there would be an offset.

Chief VERDEROSA. Right.

Mr. YODER. Like, if we had—what would be the optimal number of officers where we wouldn't have as much overtime?

Chief VERDEROSA. Right. Well, you know, that is a great question. In this request, there will be some offset when the new hires take over the O'Neill. We do have some additional duty that is set aside for the O'Neill building. I think annually it is about $5 million. Once we get utility out of the officers we hire based on the bill for O'Neill, they will be able to subside some of that overtime. The 72 positions would go to new mission sets, as some of the members have indicated, and those would go to those three initiatives.

To reduce the current mission, whether it is FTE shortage, unscheduled events, we do plan——

Mr. YODER. Because that is about 10 percent of your total budget——

Chief VERDEROSA. It is.

Mr. YODER [continuing]. Is overtime.

Chief VERDEROSA. It adds up in my recollection of all the of the studies, to about 150 FTE that are overtime. There is some level—you want to get it to about 90 percent staff, 10 percent overtime. You know, it is a balance.

Remember, we are paying overtime to cover positions when we are going to hire people. That overtime will stop once they are out of the academy. That is for existing mission. One of the things we want to do is perhaps extend the mandatory retirement, which would reduce the need for overtime and keep people working for an additional year at a regular rate.

Mr. YODER. Okay.

Chief VERDEROSA. It is a balance.

Mr. YODER. So if you extended the date of retirement, that would allow you to reduce costs on the overtime, because you would be training less new individuals?

Chief VERDEROSA. That is correct. Then we would have people in the field.

Mr. YODER. What are the pros and cons of that?

Chief VERDEROSA. Well, it is at a higher rate. We are paying people at a exhibit regular rate. It is cheaper——

Mr. YODER. So the pros and cons of extending the——

Chief VERDEROSA. Oh. Well——

Mr. YODER [continuing]. Age of retirement.

Chief VERDEROSA. At some point you get to the point where we have to started looking at, you know, the vigorous workforce and the reason we have the 57 mandatory retirement. I think, some people would want to raise it, some people don't. I think it helps keep the workforce ready and prepared to deal with eventualities. That is a larger law enforcement benefit picture. If we were to raise our retirement age, for instance to 60, what affect would that have on other law enforcement agencies that are under the FERS system that get law enforcement benefits, as we do.

Right now, given the fiscal situation, I think it is one of the best options because it could save having to hire half a class.

Mr. YODER. Even though they are being paid more, it actually stills saves you more money, because you are not hiring and training and going through the process.

Chief VERDEROSA. Right. We get more utility immediately——

Mr. YODER. Right.

Chief VERDEROSA [continuing]. Out of them.

Mr. YODER. Okay.

Chief VERDEROSA. Because again, it takes about 8 months to really train, equip, field training, and get them to the field on their own after, it takes about 4 months to hire.

Mr. YODER. Thank you. Mr. Ryan.

Mr. RYAN. Thanks, Mr. Chairman.

OPTIMAL STAFFING LEVEL FOR USCP

So as I am listening to all the questions about staffing, and I am new to the committee, so are you—the number, the end number, Ms. Wasserman Schultz was saying, okay, what is the number——

Chief VERDEROSA. Right.

Mr. RYAN [continuing]. Is that number based on kind of day-to-day, yeah, we have these events and the Folk Festival and we have got all this stuff going on, it is kind of—it is already in the works, this stuff we handle all the time, tours, it gets busy in the summer, is the number based on that or is the number based on 9/11 happens and/or there is a major incident at the Capitol, which I assume you want to be prepared for?

Chief VERDEROSA. Correct.

Mr. RYAN. So what is your number based on? And as I am listening, I am thinking, yeah, we have our daily maintenance, and in Niles, Ohio, there are 50 cops or whatever, and——

Chief VERDEROSA. Right.

Mr. RYAN [continuing]. No one's going to be—you know, there is not a lot of threat——

Chief VERDEROSA. Right.

Mr. RYAN [continuing]. As opposed to here.

Chief VERDEROSA. Right.

Mr. RYAN. So can you help me understand what you are thinking.

Chief VERDEROSA. The number is to accomplish the tasks that we do today, the level of service we provide today, plus the new initiatives.

If we fill the billets, if it is deemed appropriate, to meet those mission requirements for the portal scanners, for the pre-screeners, for the——

Mr. RYAN. Day-to-day security.

Chief VERDEROSA [continuing]. Broad security, then I am not going to ask for additional personnel once that is done. If the mission requirements expand beyond that, and I don't know if they will or they won't, based on world events, new mission requirements, whether it is internally driven, whether it is Capitol Police Board driven, or however it is designated that this is the mission and this is the mission requirement that we need to have an additional building or we need to have additional asset or this type of coverage, then I will ask for those.

The alternative is, and we have done that in the past, we have worked overtime to cover the new mission requirements, and we do that basically every day with sort of routine shortages, but these are new mission sets.

We get to that number, and we are trying not to increase the level of overtime, we are trying to get to the level that we need to have to meet the requirement to handle those mission sets. We believe those mission sets will enhance our ability to secure the facility.

There is going to be unknown mission all the time. If we had a demonstration or an event that pops up. The Pope visit was an example of that was an unplanned event, and it was basically an all-hands event and drove a lot of additional duty, drove a lot of personnel. We can handle that on an ad hoc basis.

We wouldn't plan for that just to have those people around in case we have those types of events, but those are the perfect opportunities to use overtime to fill the need. This is the day-to-day requirement to have additional eyes at doors to be able to secure the outside.

Mr. RYAN. So we get through all this, we get through the Rayburn, the Cannon, and the pre-screening and all of that stuff, and you will be at a level that you think you can sustain, and then should the threat level increase, you would come back to us and say, look, X, Y, and Z is happening.

Chief VERDEROSA. Right.

Mr. RYAN. We may need a classified briefing about it, whatever the case may be, but we need an additional——

Chief VERDEROSA. We would do a business case——

Mr. RYAN. Right. Okay.

Chief VERDEROSA [continuing]. And we would either be successful in demonstrating that there is a need or not.

Mr. RYAN. Right.

Chief VERDEROSA. Again, it is really in consultation with my bosses and having the big picture for the entire campus.

OFFICER MORALE

Mr. RYAN. One final question just to get an idea of what is happening within the force. So I mentioned Ryan Lee——

Chief VERDEROSA. Yes.

Mr. RYAN [continuing]. And the tragedy there. How are we doing with our rank and file as far as, you know, health and wellness and, you know, stress issues?

Chief VERDEROSA. Right.

Mr. RYAN. Because it is—you know, it is expensive to live around here and people have families and there are a lot of economic issues, plus the stress of being a Capitol Police officer. Are we doing enough to help in that regard so that maybe we can prevent any kind of future incident?

Chief VERDEROSA. Sure. That is a very common and great question. Very tragic. You know, we are a close-knit department, probably more than some. In some respects, we are like a family. I have had very close contact with my troops, particularly those units that are really affected, closely affected, and they are handling it. It is tough. We will get through it.

We do have great support from the CAO and the Office of Employee Assistance, also from some of our brother and sister police departments, particularly in this case Fairfax County Police have been outstanding in terms of peer support and those types of things. The community has been great and the Congress has been great, the committee staff have been great, in terms of helping us through those things.

I think that morale is kind of a fickle thing. It can go up and down and it can turn on a lot of things. I think the troops are generally in a good place. They are generally pretty happy. They really understand the mission. They love the mission. All you have to do is look at the dome, and you understand what your mission is. It is very simple. We are here to protect you all and what you do, and I think they take great pride in that.

I think that we have what we need. We can always sort of expand on our wellness and look to improve communication and make sure that we are really talking about issues, serious issues that we need to talk about.

Some issues you need to confront, some issues you really need to talk about, and we have been fairly fortunate, but it is a societal thing and I think it is a law enforcement thing.

There is stigma and there are all kinds of emotions involved. I think that we are very cognizant of our troops' feelings and attitude, and we foster the conversation, and I think we try to confirm it, at least the Assistant Chief and I have been—that is our position on it. I think we can always use some help, and we look to our partners to really support us.

Mr. RYAN. Okay.

Chief VERDEROSA. I don't know if that answers your question.

Mr. RYAN. Well, you know, you are there for us, you know, we need to be there for you. And we know this is a tough job, and we just want to make sure that whether it is on the training side or on the wellness side day to day——

Chief VERDEROSA. Sure.

Mr. RYAN [continuing]. That, you know, the men and women of the force are getting what they need from a wellness perspective——

Chief VERDEROSA. Right.

Mr. RYAN [continuing]. From a mental health promotion perspective.

Chief VERDEROSA. Right.

Mr. RYAN [continuing]. Not that there is anything wrong with anybody, but it is a high stress job——

Chief VERDEROSA. Right.

Mr. RYAN [continuing]. And in addition to, as I said, your normal high stress family life and living in the most expensive place in the world, you know. Like, it all adds up. And we just—I want to make sure you guys are okay and that we are on the cutting-edge of making sure you got what you need and the programs you need to take care of the men and women. So that is——

Chief VERDEROSA. Yeah. I am very appreciative of all the support. I will be honest. The officers do get to know the staff here, they get to know the Members, and they have been very supportive, particularly in this particular case. We look to our friends

at the DAV and OEA. We do have seminars and we do talk about things and do have some HR programs available.

We are certainly going to look at it and we are going to foster the conversation and make sure that everyone understands what happened and understands, if you can ever understand why, and then move on and make sure that everyone is at least talking about it and we are responsive to people's needs.

Mr. RYAN. Thank you.

Thanks, Mr. Chairman.

Mr. YODER. Yes. Mr. Amodei.

Mr. AMODEI. I have nothing further. I yield back, Mr. Chairman.

Mr. YODER. All right. Ms. McCollum.

Ms. MCCOLLUM. Just to follow up on the office.

Chief VERDEROSA. Yes, ma'am.

Ms. MCCOLLUM. I had mentioned early in January when we were doing our organized meeting that I had a 40 percent rent increase and, of course, couldn't afford that on our budget, so I then tried to find a place that would sign less than a 2-year lease.

We did it, but we worked with both the Sergeant and with Capitol Police on moving, and it was very much appreciated with my staff. And I am sorry that I—I am not sorry—I am ranking member of Interior and I missed the meeting yesterday because we were having public witness, but I know that that sometimes moving district offices overlaps between the Sergeant's office, your office, as well as mail security and working with the U.S. Post Office and everything else.

Again, so not that we need lots of little handbooks, it doesn't have to be something that gets put out, but I had seasoned staff, so they kind of knew how to work through that.

Chief VERDEROSA. Right.

Ms. MCCOLLUM. We actually had a conversation around our conference table about who we notify about the security camera, we need to call St. Paul PD, we need to do this, we need to do that. We had our own check sheet. I know people don't like moving their district offices a lot, but if at some point—I think we are going to write down what we did and maybe give it to you, and that might be a template to use for moving, but I did want to follow up on the offices too.

I know that it seems like there are a lot of things going on right now with some of the townhalls. Those things happened in 2006 and 2007 with townhalls, so for some of the newer members, they might think this is a brand new experience that Capitol Police and our local police departments are dealing with, but it is not. It is a lot of the same, but you need to be there in coordination and working with that.

What is the follow-up, though, on the Metro? You and I have talked about this a little bit——

COMMUNICATIONS AND METRO

Chief VERDEROSA. Yes, ma'am.

Ms. MCCOLLUM [continuing]. Mr. Chair, and we are really close to a Metro stop, and we have had a lot of breakdowns, we have had more fires, more episodes, and the rest. A lot of our staff are down there, we have got constituents down there. We had talked about,

doing training, figuring out how to train either with Metro or with you on, what is the right side, how do you get out of one of the subway doors, what is the best way to exit.

Chief VERDEROSA. Right.

Ms. MCCOLLUM. Where are we on that, because we are paying close attention in my office, and I haven't seen much come through yet? Is it Metro holding that up?

Chief VERDEROSA. No. Actually, we have a meeting today, a planning meeting on a communications and response capabilities demonstration at the Capitol South Metro. That will be occurring some time in July, early July.

Ms. MCCOLLUM. Okay.

Chief VERDEROSA. We have been busy. And I believe the obligation plan has been approved to provide communication capability in the tunnels, on the platforms for our radio systems, because once you go down, you are out of touch.

Ms. MCCOLLUM. That is right.

Chief VERDEROSA. But we will have the capability to be able to communicate at all three of the Close in Metros, Capitol South, Federal Center Southwest, and Union Station, and all the rail tunnels between the stations. And that—it is basically 1.8, and it was on new year 2007, I think it was radio 90 equipment required to be interoperable between WMATA and us.

And also radio coverage into the Third Street tunnel, which is another area where we frequent, we traverse, and we are looking for interoperable communication. We have attended many of the regional—the Metro exercises.

Ms. MCCOLLUM. Yeah. Because Metro sometimes sends—I know you are working on it.

Chief VERDEROSA. Yeah.

Ms. MCCOLLUM. That is why I was wondering if—Metro seems to have some dysfunction with getting their——

Chief VERDEROSA. They have been very cooperative.

Ms. MCCOLLUM. They have been cooperative?

Chief VERDEROSA. We have also, based on our conversations, worked with, I mentioned to Chief MacLean of the Park Police that that was one of the issues that, you know, we also need——

Ms. MCCOLLUM. The Smithsonian.

Chief VERDEROSA. We also need to look at, you know, interoperability with the Park Police, which we do have. I think we are moving along. I don't think there is any holdup——

Ms. MCCOLLUM. Good.

Chief VERDEROSA. I think we are progressing to a point where we will be ready to talk about training.

Ms. MCCOLLUM. Thank you.

CAPITOL POLICE BOARD ROLE IN MISSION ASSIGNMENT

Mr. YODER. Ms. Wasserman Schultz.

Ms. WASSERMAN SCHULTZ. Thank you, Mr. Chairman. Just a couple of additional questions.

Chief, you referenced your bosses——

Chief VERDEROSA. Yes.

Ms. WASSERMAN SCHULTZ [continuing]. Who are the Capitol Police Board. And I asked the sergeant yesterday about the dotted

line that we have here, which is unfortunate, that leaves us with, a more difficult situation in trying to conduct oversight over the Police Board. You are not a member of the Police Board with a vote, and you referenced that some of your mission is assigned by them.

What percentage, how much of your mission is assigned by them, and are you generally aligned with the assignments to your mission that they have given you as opposed to what your plans and vision are for the department? And to what extent does your request result in things that they have added that you would not have?

Chief VERDEROSA. Right. The board and I have a very good relationship. I go to the board much more than they come to me in terms of any requests, any needs, things that we are looking at doing, whether it is initiatives or training. The board initiatives are things that we talked about, at least the three that I have discussed here, the portal scanners, the garage security, obviously.

Some of it is driven by, whether it is the House Sergeant at Arms or whether it is the Senate Sergeant at Arms, the board collectively and I agree that these three initiatives, including garage security, the prescreening, the portal scanners are things that will enhance our ability.

It has been my experience with the board that they have been very supportive of me. They basically leave the running of the police department to me. They do provide great counsel. I have very frank discussions with the board about whatever the issue is. I give my opinion.

The board generally, in almost 99.9 percent of the time comes to consensus, and they include me in that conversation. I don't vote on final initiatives, but I think that, you know, in terms of these initiatives, I am fully supportive, and it is—I wouldn't say that it is direction directly from them, it is more of an integration of the conversation.

We are looking at the best ways to provide security on the campus in light of Paris, in light of Berlin, and all the other various types of threats that are out there, and always with the mind-set that this is an open campus, so what are the things that we can do to enhance our ability to protect us at the vital points.

MANDATORY BUDGET ITEMS

Ms. WASSERMAN SCHULTZ. What happens when you have a disagreement with the board on the direction that your mission should take? And how much of your budget is nice to have, versus got to have?

Chief VERDEROSA. I think what we have asked for is the got to haves. I think, in this day and age, and last March's incident highlights, the need to not have the confrontation in the building. The confrontation in March occurred at the CVC, and that was designed for it, and it worked. The CVC performed flawlessly. The officers performed exactly how they should have.

What we want to do is we want to be able to keep it at arm's length, keep the fight out if we have to rather than inside. Obviously, the buildings were never designed for the multitude of screening that we do, the office buildings, so it is difficult, particu-

larly with such cumbersome equipment. The more we can do to keep it isolated out is better.

I think we are pretty much in lockstep, the board and I, in terms of the need to think out of the box, be imaginative. For example, with the portal scanners, you don't want disruption on the floor. We want to be able to detect things that the regular magnetometers can't.

Using those in concert and being complementary with the typical magnetometer and now the portal scanners, I think it creates a much greater ability to stop things from getting to the places we don't want them to get, and some very serious items and other things that just aren't detectable.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I just think that the Capitol Police over the years needs to do a better job of predicting for us and planning over multiple years what it is their needs are going to be, because it does appear that we get a new significant request with expanded missions even in—even considering that we are always going to have unanticipated needs because of the shifting security issues that we have. And so I——

Chief, I really think that you need to spend some time with your leadership team, because it is not just you. Your predecessors have also faced that challenge.

OFFICER MORALE

I do want to ask you about the overall morale of the Capitol Police, because there was significant tension under your predecessor, particularly with minority officers. And what steps have you taken to improve that morale and how do you think it is going?

Chief VERDEROSA. Again, it is hard to put your finger on the pulse. It depends on who you talk to. You know, I think morale has been fairly positive. I may not be the best person to ask. You can ask—the rank and file, I am sure they will talk to you and talk to——

Ms. WASSERMAN SCHULTZ. That is why I am asking.

Chief VERDEROSA [continuing]. Talk to the members. I have an advantage in that I have worked many, many of those posts that the rank and file work. I have walked the foot beat, I have driven a police car and ridden a motorcycle, and, the specialty assignments, and done, building security.

I think that, generally when I am out and about, I think the troops come to me and they tell me, they tell me the good, they tell me the bad. When we look at, what is going on, I am always open to looking at things a different way.

I think the Assistant Chief is the same way. He comes from the outside with a fresh set of eyes. He is an operationally-based individual. He ran special operations for the Metropolitan Police for a number of years.

In terms of all of those things and, the effect they have on the officers day to day, and that is really what it is about, we are talking about a day-to-day attitude, I think the officers are in a good place, I think—they certainly have my respect. The troops have my respect. I respect what they do every day. I am impressed with the operational ability of officers.

No one likes to be held accountable. Some people may think I am a disciplinarian. I think limits and accountability is good and it validates everything that the officers who come to work to do their job every day appreciate that, and I think that is a very small part of what we do.

You are always going to have people who may have been through the process, the discipline process, and they are upset, but I think generally, by and large, we are in a good place. I think people are motivated to come to work. We do talk quite a bit with the troops.

DIVERSITY IN THE WORKFORCE

Ms. WASSERMAN SCHULTZ. Just to drill down a little bit, and then I have one more question and then I am done, Mr. Chairman.

What about diversity? It really has been a challenge that the Capitol Police have faced systemically with diversity, diversity in your leadership, diversity in recruitment. How are you focusing in on improving that?

And, I don't mean any disrespect, but it is hard to take your word for it. As you said, you are not—you are in leadership now——

Chief VERDEROSA. Sure.

Ms. WASSERMAN SCHULTZ [continuing]. You are in not in the rank and file.

So, Mr. Chairman, it might be helpful for us to have an open, you know, an informal meeting with the Capitol Police union leadership so that we can hear from them. We don't have to do it in a hearing, but it would be, I think, good for members to hear from the union leadership, we have done that from time to time, and give them an opportunity without the Capitol Police leadership here to talk to us about, you know, some of their challenges, but——

Chief VERDEROSA. Certainly.

Ms. WASSERMAN SCHULTZ [continuing]. Diversity has been a problem.

Chief VERDEROSA. We have a great diversity officer, Natalie Holder, who comes to us from the private sector, and she has done a lot of work with municipalities, including New York City. We include people.

Ms. WASSERMAN SCHULTZ. Do you have goals to increase diversity?

Chief VERDEROSA. Absolutely. We want to broaden our—everyone's perspective and we want to be able to——

Ms. WASSERMAN SCHULTZ. I mean——

Chief VERDEROSA [continuing]. Provide opportunities——

Ms. WASSERMAN SCHULTZ. I mean numerical goals. Do you have the goal to, say, take the leadership of the Capitol Police diversity from where it is now to a higher number?

Chief VERDEROSA. We are always trying to build a bench with a very diverse workforce.

Ms. WASSERMAN SCHULTZ. So, no.

Chief VERDEROSA. So, yes.

Ms. WASSERMAN SCHULTZ. So you don't have specific goals——

Chief VERDEROSA. I don't have number specifics——

Ms. WASSERMAN SCHULTZ [continuing]. Written down.

Chief VERDEROSA [continuing]. But, what I have is a policy of inclusion and being able to expand the bench for——

Ms. WASSERMAN SCHULTZ. Okay. But without a plan—I mean, does your diversity officer have a plan that she is following——

Chief VERDEROSA. Sure.

Ms. WASSERMAN SCHULTZ [continuing]. To increase——

Chief VERDEROSA. We just started mentoring with outside agencies and internally. We also are providing opportunities for people. Of course, they are all validated promotional processes.

We look at all of the aspects of promotion that we should. And I think that we are very inclusive. And I think that you could look at the numbers in the promotions. It is a very diverse group and we have given opportunities for——

Ms. WASSERMAN SCHULTZ. I——

Chief VERDEROSA [continuing]. Women and minorities all along the line.

Ms. WASSERMAN SCHULTZ. I mean, through the history of my career, I have never really seen significant changes in diversity without a specific written plan on how to accomplish it. And so are you planning on developing a specific written plan?

Chief VERDEROSA. Yes, through our diversity office, we are.

Ms. WASSERMAN SCHULTZ. Okay. If you could share that plan with me——

Chief VERDEROSA. Sure.

Ms. WASSERMAN SCHULTZ [continuing]. And the process that you are going through to develop it, that would be great.

[The information follows:]

The Diversity Office's Strategic Plan (2016-2017):

Ensuring an Inclusive Workplace Culture

Vision: To provide more opportunities for the workforce to feel heard, included, and engaged by sharing their skills and talents with the Agency, and consequently encouraging an appreciation for cognitive and demographic diversity

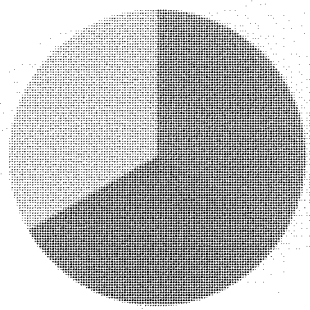
Executive Summary: The Diversity, Inclusion, and Equity Office is introducing itself to the workforce as an office of engagement and cultural resources.

The Diversity Office is able to address some immediate issues by launching the following:

- Employee Resource and Focus Groups
- Policy Review and Recommendations to Senior Leaders
- Leveraging external resources from professional organizations and federal law enforcement agencies to provide valuable benchmarking, professional development services, and training
- Senior-level training and education on diversity-related policies and diversity in leadership

Mission: To establish the Diversity, Inclusion, and Equity office as a trusted and transparent resource to assess and improve the systems, policies, and programs that encourage the workforce to deliver on the USCP's mission

Engagement Phases



- Phase 1: Creating a Safe Zone
- Phase 2: Analyzing the Feedback
- Phase 3: Collaborating and Implenting

Phase 1: Creating Safe Zones to Hear the Workforce

*The Listening Tour: Meeting with every Bureau Chief, EMT member, and Inspector (and a handful of officers at their posts) to understand their historical perspectives of the Diversity Office and gathering their insight for opportunities to deliver new services and other offerings

Phase 2: Analyzing the Feedback

*Reviewing OHR policies (and draft policies), procedures, and the discipline structure to identify whether there are barriers to recruitment, retention, and promotion

Phase 3: Collaborating to Build a Workplace of Choice

*Working with GC, OEC, OHR, the Bureau Chiefs, and the Inspectors to explore opportunities to increase diversity in the recruitment, retention, and promotion processes

*Develop a Diversity ERG, a Women's ERG, and a Veteran Officer's ERG to develop, support, and sustain the Diversity Office's vision and the Agency's workforce mission

*Partnering with professional associations in law enforcement to leverage their training, mentoring, and professional development resources

*Once the Diversity Office is staffed, introducing the Office and its offerings at all Roll Calls

Strategic Alignment with the Diversity Plan with the USCP Transformation Priorities

I. Management and Planning

*Create a performance-oriented management culture

- Develop and provide demographic data to the Chief, Chief Administrative Officer, and General Counsel to identify opportunities that increase the pipeline of women and people of color (i.e., as defined by the US Census) into leadership roles and in the specialties and recruitment to the Agency
- Enhance the Agency's demographic data (e.g., collecting workforce second language skills)

II. Communication

*Share information consistently up and down the chain

- Collaborate with OPOL and the Communications Department to publish (via email and hardcopy) a bi-monthly newsletter with information about external award recognition opportunities, training opportunities with professional

organizations, and updates about the Diversity Office's offerings to ensure fair and wide distribution of information in the Department

- Provide content to *1828* to create awareness about affinity months (e.g., health and culture) that connect to law enforcement (e.g., an interview with a police officer from the Federal Asian Pacific Council about threat identification or another substantive issue in law enforcement to raise awareness of Asian-American Heritage Month)

According to the Employee Viewpoint Survey, only 33% of the USCP workforce felt that our policies and programs promote diversity in the workplace

- Partner with OHR to determine recruiting opportunities to increase demographic diversity (e.g., informing OHR of conferences and training institutes that will attract the diversity the Department seeks; creating introductions and other opportunities for OHR to give presentations at diversity-related events)

*Implement better internal and external communications

- Meet with the Inspectors on a monthly basis to gather insight and feedback on the systems and processes that impact the workplace (e.g., feedback on content for the e-newsletter, diversity program suggestions, etc.) and to share updates on policies that impact the workforce
- Meet with the Lieutenants and Sergeants, at least monthly, to provide updates about the Diversity Office that should be shared with their staff
- Increase the inclusion of the night shift personnel by hosting evening hours once a week (3-11pm)
- Create opportunities for USCP personnel to attend and participate in planning meetings and training institutes for law enforcement related organizations (e.g., the WIFLE's Monthly Agency Representative Meeting) to increase opportunities to gather external resources that can be shared, widely, internally

III. Leadership

*Ensure that USCP has qualified and trained leaders

- Create an employee resource group for women to discuss and stem the barriers and challenges to their advancement and develop programs to address them (e.g., the Flash Mentoring program, a formal mentoring program, etc.)
- Create an employee resource group for veteran (not necessarily military) sworn personnel (10+ years with the Department) to develop opportunities to maintain excellence in the Department (e.g., formal promotional exam preparation for the entire Agency)
- Participate in employment policy review and recommendations (e.g., Reasonable Accommodations for personnel with disabilities; the disciplinary process; and other applicable policies) and ensure that leaders receive necessary updates and training

*Increase employee involvement in decision-making

- Develop a Diversity employee resource group to assist with determining how the Diversity Office can meet the management and performance needs of the workforce (e.g., meeting to help plan and execute diversity-related events)

IV. Performance-Based Culture

*Establish an effective employee performance system

- Partner with OHR to review the evaluation policy and make recommendations to the Chief and Chief Administrative Officer
- Partner with OHR and OPOL to review policies such as the Early Intervention program and make recommendations to the Chief and Chief Administrative Officer

*Improve awards and recognition for performance

- Identify professional associations, publications, and other organizations that recognize law enforcement and work with Agency leaders to submit nominations
- Partner with OHR and OPOL to review the Agency's awards and recognition policy and make recommendations

According to the Employee Viewpoint Survey, only 17% of the USCP workforce felt that awards in their work unit depended on how well employees perform their jobs

V. Learning Organization

*Increase data-based decision making

- Develop relationships with the Diversity and Inclusion and HR departments in federal law enforcement (Department of Homeland Security-- Secret Service and Customs and Border Protection, US Coast Guard —DOD, US DOJ—US Marshals Service, FBI, DEA, ATF), Metropolitan Police Department, Parks Department, AOC, EAP, and agencies with successful records of diversity programming (e.g., IRS, US Patent and Trademark Office, OPM) to benchmark diversity-related policies (e.g., reasonable accommodation, transgender, etc.) and initiatives (e.g., speakers, programs, etc.)

*Train people appropriately to ensure that they retain their skills and are up-to-date on skills

- Participate in conference and training institutes to share current trends with the department (e.g., The NOBLE annual training institute, IACP training institute, etc.)
- Encourage the civilian and sworn workforce to participate in skill-building conferences and trainings that can be shared with the Agency
- Provide Bureau Chiefs and Inspectors with diversity in leadership training (with more staff, the Diversity Office will be equipped to offer more training to all levels of the Agency)
- Collaborate with GC and OEC to deliver educational updates to the Bureau Chiefs and Inspectors about diversity-related policy changes (e.g., a supervisor's responsibilities under the transgender policy, the reasonable accommodation policy, etc.)

*Establish formal knowledge transfer and succession planning

- Propose hiring a Diversity Program specialist to develop, organize, and track the metrics of diversity celebratory events and programs
- Propose hiring a Training and Education manager to develop, deliver and track the metrics of training delivered, internally, to the workforce

Strategic Initiatives for the Office of Inclusion, Diversity, Equity and Action: 1st and 2nd Quarter 2017

	Strategic Plan Priority: Leadership	Strategic Plan Priority: Management and Planning	Strategic Plan Priority: Management and Planning	Strategic Plan Priority: Management and Planning	Strategic Plan Priority: Leadership	Strategic Plan Priority: Performance Culture	Strategic Plan Priority: Communication	[illegible]
The Projects	1. Implicit Bias Education for Senior Leaders -Examining the "how" and "why" underlying our decision-making	2. UM College Park and Stevenson University and US News -Creating relationships with local institutions that have strong diversity and criminal justice programs	3. Women's Focus Group -Creating a foundation and justification for a woman's employee resource group	4. Launch the Diversity Council -Creating a space where all civilians and sworn can collaborate on initiatives that increase employee engagement	5. Speed Mentoring -Supporting our workforce with tape career and life advice	6. Launch a mentoring program -Pairing senior leaders with more junior leaders to help navigate the agency and foster coaching and development	7. SOP and Directive for Reasonable Accommodation -Providing information about the protocols for seeking a workplace modification for a medical impairment	[illegible] [illegible] [illegible]
The Benefit to OIDEA	Will encourage all participants in initiatives that use implicit diversity & critical conversations, communications, engagements, presentations, and other personnel decisions.	*Early exposure to students who could potentially opt to the city and specifically agency *Showing the OIDEA as an employer of choice with students of diverse backgrounds and skills	*Inspiring management of the sworn ranks and other groups and other employees in the rank-and-file environment *Positioning OIDEA as an employer of choice for women	*Developing a community of sworn and civilian personnel who are committed to promoting diversity in our workplace, mission and prevention mechanisms	*Demonstrate an investment in our members's careers *Improvement or enhancement in our workforce's ability to manage their careers and balance their daily lives	*Promotion planning *Training and wellness *Interdisciplinary management	*Establishing a clear process that any employee can use who is under stress from work place	[illegible] [illegible] [illegible]
Collaborative Partners	Internal owner is co-chair of a personal-level leader *Training vendor for the IT	*Members of the Sworn Council *Unit *Unit	*Unit *Unit	*Sworn sworn *All Unit leaders	*Unit *Some local partners and our OIDEA group in certain *Some federal law enforcement agencies among members	*Sworn sworn *Interagency liaisons with other agency with proof-reading mentoring programs *Unit	*Unit *Unit *Operation has resources	Varies
Status	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

LOST EQUIPMENT RETURN POLICY

And then lastly, I would like to know how Capitol Police handle equipment that belongs to a member or a staffer that has been lost within the Capitol Complex and found or recovered by one of your officers. What happens?

Chief VERDEROSA. Sure. Well, it is processed on what is called the PD–81, which is a property record. And depending on the property, depending if you can legitimately determine ownership, then it is generally turned back over to the owner of the property.

If it is part of an ongoing case, then there are other things that have to occur for that to happen.

Ms. WASSERMAN SCHULTZ. So if a Member says that they have equipment that has been lost, and you find it, it would be returned to the Member?

Chief VERDEROSA. In the general sense, yes.

Ms. WASSERMAN SCHULTZ. Okay.

Chief VERDEROSA. You have to be able to positively identify the property and be able to establish ownership.

Ms. WASSERMAN SCHULTZ. Right. And if ownership is established——

Chief VERDEROSA. If it is part an ongoing case, then there are additional things that need to be done.

Ms. WASSERMAN SCHULTZ. But if the Member owns the equipment and there is no ongoing case related to that Member, then the equipment is supposed to be returned.

Chief VERDEROSA. Right. In the general sense, yes.

Ms. WASSERMAN SCHULTZ. No. I mean in the specific sense. If the Member loses the equipment, says they lost the equipment——

Chief VERDEROSA. Yes, ma'am.

Ms. WASSERMAN SCHULTZ [continuing]. And it is found by the Capitol Police, it is supposed to be returned.

Chief VERDEROSA. If ownership has been established——

Ms. WASSERMAN SCHULTZ. Right.

Chief VERDEROSA [continuing]. It will be returned. If it is subject to an ongoing investigation or additional things——

Ms. WASSERMAN SCHULTZ. Okay.

Chief VERDEROSA [continuing]. It needs to be——

Ms. WASSERMAN SCHULTZ. Okay. But not an ongoing investigation related to the Member. If the equipment belongs to the Member, it has been lost, they say it has been lost, and it has been identified as that Member's, then the Capitol Police is supposed to return it, correct?

Chief VERDEROSA. Well, I can't give a yes or no answer on that, because I know——

Ms. WASSERMAN SCHULTZ. It is a simple yes or no answer.

Chief VERDEROSA [continuing]. No parameters.

Ms. WASSERMAN SCHULTZ. If you lose—if a Member loses equipment——

Chief VERDEROSA. Yes, ma'am.

Ms. WASSERMAN SCHULTZ [continuing]. And it is found by the Capitol Police or your staff, and it is identified as that Member's equipment, and the Member is not associated with any case, and that is their equipment, it is supposed to be returned, yes or no?

Chief VERDEROSA. It depends on the circumstances. And if the circumstances are——

Ms. WASSERMAN SCHULTZ. I don't understand how that is possible. Member's equipment is Member's equipment. It is not—under my understanding, the Capitol Police is not able to confiscate Member's equipment when the Member is not under investigation. It is their equipment and it is supposed to be returned.

Chief VERDEROSA. Well, I think there is extenuating circumstances in this case. I think that working through my counsel and the necessary personnel, if that in fact is the case, and through the investigation, we will return the equipment, but until that is accomplished, I can't return the equipment.

Ms. WASSERMAN SCHULTZ. I think you are violating the rules when you conduct your business that way, and should expect that there would be consequences.

I yield back.

Mr. YODER. Gentlemen, thank you for your testimony today. Assistant Chief, we let you off easy.

Chief, you answered all the tough questions. But we appreciate both of your leadership and service to our country.

We appreciate the many officers that are out guarding the Capitol right now that are away from their families, putting themselves in harm's way; all the support personnel, civilian personnel. It is a dedication to service, and we really respect what you do. We want to make sure we have a fine tuned budget, that we are putting money in the right places, and so we will work with you and the Members in both parties here to come up with a right budget going forward. We look forward to successful service and safety in this Capitol campus.

With that, the subcommittee will adjourn until 2:30 this afternoon, when we will hear from the Library of Congress.

Chief VERDEROSA. Thank you.

Mr. YODER. The meeting is adjourned.

[Questions for the record follow:]

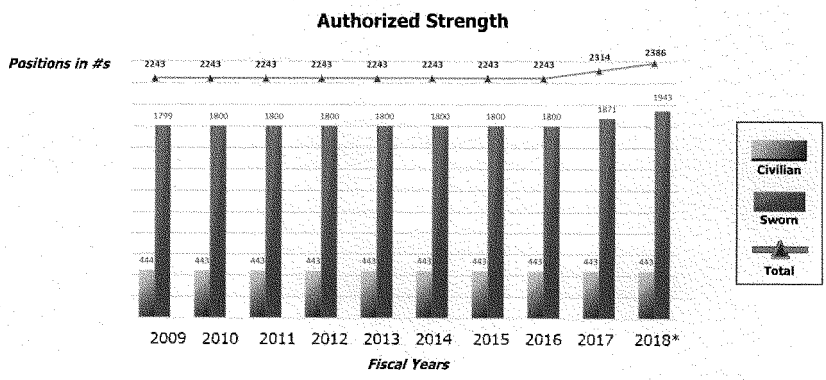
Hearing on the United States Capitol Police FY 2018 Budget Request
House Subcommittee on Legislative Branch Appropriations

Questions for the Record
Kevin Yoder, Chair

Question: **In your budget request for FY18, you have asked for additional sworn and civilian personnel. If provided, how do you anticipate deploying the 72 sworn and 48 civilian positions?**

Response: For the past eight years, the United States Capitol Police's (USCP) number of Full Time Equivalents (FTEs) has remained flat, while the Department continued to successfully manage its growing responsibilities and response capabilities for increasingly dynamic threats.

The chart below illustrates our efforts to identify areas to modify or eliminate mission requirements to offset new requisites versus requesting additional FTE personnel. However, given the changing security environment both domestically and internationally, the Department's current sworn staffing levels no longer provide the complete and necessary resources to meet all of its mission requirements within the established sworn officer utility or the number of work-hours in a year that each officer is available to perform work.



As I noted in my testimony, around the world we are seeing the nature of threats changing. Today, there are no routine activities, as we have seen a rise in terrorist organizations attacking public venues such as tourist attractions, government buildings, and concert venues. There have also been increased occurrences of homegrown, violent-extremist "lone wolf" episodes. As such, we must have a strong visible presence to protect Members and staff throughout the Capitol Complex, as well as be prepared at all times to respond to potential threats at every event on Capitol Grounds including demonstrations,

both permitted and non-permitted; critical incidents; natural disasters; public events; and Congressional events and hearings.

Also, our responsibilities have expanded to include additional mission in our security portfolio, we will need additional sworn personnel to successfully implement the Department's priorities to enhance security screening and to widen and strengthen the security perimeter across the Capitol Complex.

The 72 sworn officers would be deployed to support security screening in the House garages; to conduct additional screening and prescreening at various building access points across the Capitol Complex, and to regularly operate the enhanced screening portals.

The additional requested civilian positions will allow us to transfer sworn personnel from support positions in the Communications Section, the Command Center, and other identified areas. We would move them out into the field where they will utilize their policing skills to address potential threats in this highly-visible and highly-targeted environment. Funding for the 48 staff would be used to hire replacements for these seasoned sworn personnel.

***Question:* Can you please walk us through why overtime continues to increase for the Department and what you are doing to address the increase?**

Response: As noted in the response to the previous question, the USCP's current sworn staffing levels do not provide the complete and necessary resources to meet all of its mission requirements within the established sworn officer utility or the number of work-hours in a year that each officer is available to perform work. Several staffing studies have identified that the Department is operating with FTE shortages.

The Department balances the utility of available staff with annual salary and overtime funding along with known mission requirements. The utility number also estimates unfunded requirements that occur after the annual budget is enacted. Because we must fill the mission requirement gap through overtime, the Department has to balance providing the appropriate level of security across the Capitol Complex with taking sworn personnel off their posts to conduct mandatory training. Given the unique nature of our mission and the environment in which we work, we do not have the flexibilities that other law enforcement agencies have to offset or defer daily requirements to schedule mandatory training for large numbers of our officers at one time.

The Department continues to monitor its overtime usage on a daily basis and works to ensure the efficient use of existing staffing. We also have worked with our stakeholders to find offsets, where practicable, to meet new or emerging mission requirements that result in overtime.

It should be noted that while unscheduled overtime requirements for hearings, demonstrations and incidents have grown, we have sought additional unscheduled overtime funds in our appropriation. Overtime increases based on the increased cost of benefits and the natural increases due to a tenured workforce as officers' overtime rate increases as they become more senior. As additional mission requirements are requested, these costs are met with overtime funding.

The additional FTEs requested reflect new mission requirements to protect the Capitol Complex. These initiatives have been developed to address dynamic threats and have been endorsed by the Capitol Police Board.

Question: Are you fully prepared to take over the security function of the O'Neill Building beginning next month? What are you doing to ensure the staffing model is balanced for both the building and entire campus with this new addition in mission?

Response: Yes, we are prepared to take on the responsibility for securing and protecting the O'Neill Building beginning on June 8, 2017.

The Department has been working with stakeholders to develop the operational strategy and identify the resources needed to staff the O'Neill Building in order to protect the Congressional staff and others who are occupying the facility. In the short term, we will meet this new staffing requirement with regularly assigned personnel to ensure continuity. We are training our officers so that they become familiar with the building and staff, in addition to helping the various staff become familiar with our personnel and procedures. When the O'Neill Building was first occupied several years ago, we had conducted walk-throughs in order to educate ourselves about the building. Since then, we have regularly responded to alarms in the O'Neill Building, and have conducted training exercises for emergency response with our city and federal partners.

The transition of personnel, security equipment, and USCP security procedures will be in place on June 8, 2017, and I expect a very smooth transition. The long-term plan, upon receipt of the necessary resources, is for the O'Neill Building to be outfitted with security technology to mirror the other House Office Buildings.

Question: **What is the priority level that you are placing on the house garage security initiative and when do you expect the initiative to be operational in the Rayburn House Office Building garage?**

- **Once implemented, will congressional staff still need to go through screening to get to the Capitol?**

Response: The additional, enhanced screening in the House garages is among my top three priorities, which also includes the implementation of additional pre-screeners at various building access points, and the increased use of the enhanced portal scanners.

After identifying and reallocating internal resources in the past year, we have begun to address these priorities. To date, the Department has deployed the House garage security screening initiative in all but the Rayburn and Cannon House Office Buildings. By working in concert with the Architect of the Capitol's (AOC) Rayburn Garage Renovation Project, we expect to complete the final stage of this initiative when specific security milestones are accomplished with the Rayburn Garage redesign and buildout. However, the staffing of security posts is dependent upon receipt of additional resources and FTE personnel.

When the AOC's Rayburn Garage rehabilitation is completed, and if the Department receives the necessary resources to staff the new posts, Congressional staff will no longer need to go through

security screening to go from the House Office Buildings to the U.S. Capitol via the underground tunnels. Outside visitors would still be required to be screened in the same manner as those entering the Capitol Visitor Center or U.S. Capitol due to the number of items prohibited in those venues.

Question: **This year there have appeared to be many demonstration activities occurring in the districts of Members. How have these events effected the USCP's operations and what are you doing to be proactive with Member offices?**

Response: We diligently work to balance protecting Members of Congress and their staffs with ensuring that each individual's rights under the U.S. Constitution are protected.

The USCP monitors many platforms for information about demonstration activity. Additionally, when information is obtained by the Department on known, planned demonstrations, the effected USCP Uniformed Services Bureau Division (Capitol, House, Senate, and/or Library) will conduct community outreach meetings with the staff. This provides the staff with information about the event, and offers options for staff, including training on the use of duress alarms, Security Awareness briefings, Active Shooter training for staff, appropriate USCP telephone contact information, and knowledge about USCP personnel in the area.

Members of Congress and Congressional staff may obtain additional information regarding acts of civil disobedience in or near their offices, or general assistance by contacting the House Sergeant at Arms' office or the USCP directly. Together, we provide routine security awareness briefings, and we also work with Members' staff and local law enforcement for offices located outside of the National Capital Region. The USCP Investigations Division also organizes security coordination for planned events with Member off-site events, provides unsolicited open source data to Member offices that comes to our attention, and provides off-site Security Awareness briefings with District office staff. Since the beginning of Fiscal Year 2017, the USCP has provided nearly 200 law enforcement security liaison assessments and an equal amount of unsolicited open source demonstration notifications to Member offices.

Question: **How would you assess the performance of the Capitol Police during the Inauguration and are you using lessons learned from the event for the upcoming Memorial Day and July 4th concerts?**

Response: Among our successes this year was the planning and implementation of our Operational Security Plan for the 58th Presidential Inauguration.

The Department spent a tremendous amount of time preparing for the event and worked very closely with our numerous law enforcement partners and stakeholders. As a result of these coordinated efforts, all ticketed guests for the swearing-in ceremony at the U.S. Capitol were admitted in a timely manner and the event occurred as planned. Certain contingencies and flexibilities were built into the overall security plan given the knowledge that demonstrators might attempt to disrupt the event. The USCP and our law enforcement partners regularly monitor and manage large scale events, including demonstration activities so this effort was easily accomplished.

I could not be more proud of women and men of the USCP for flawlessly implementing the vast number of requirements to ensure this event represented our nation and our Capitol on the world stage in the most positive way possible.

The Department, as well as our local law enforcement partners, has great experience in monitoring and facilitating First Amendment activities in the city and/or on Capitol Grounds. We monitor the available information and intelligence to ensure we have resources available to deal with these types of events.

We regularly use the lessons learned from the Inauguration planning, as well as other high-profile events such as the Papal visit in 2015, and apply them to other public events held on Capitol Grounds such as the annual Memorial Day and July 4th concerts. The security plans for these scheduled special events are thorough and well organized to ensure the safety of the Members, staff, and public as well as the protection of the Capitol Grounds.

Question: Has the new Rayburn Range performed the way the Department thought it would and what is your overall opinion of its functionality?

Response: Yes, the new, state-of-the-art firing range has proven to be a tremendous asset to the Department, and it is greatly enhancing the training capabilities for our sworn personnel.

Since its opening in August 2016, we have continued to make improvements to both the firing range and our operating procedures in order to maximize its effectiveness and safety. Because this is a dynamic range, it allows us to quickly requalify our officers and train them in a way we have never done before. In addition, the close proximity of the firing range allows the Department to save thousands of hours of overtime each year because officers do not have to travel away from the Capitol Complex in order to meet their mandatory training obligations.

WEDNESDAY, MAY 18, 2017.

LIBRARY OF CONGRESS

WITNESSES

HON. CARLA D. HAYDEN, LIBRARIAN OF CONGRESS
BERNARD (BUD) BARTON, LIBRARY OF CONGRESS, CHIEF INFORMATION OFFICER
ROBERT R. NEWLEN, DEPUTY LIBRARIAN FOR INSTITUTIONAL ADVANCEMENT
MARY B. MAZANEC, DIRECTOR, CONGRESSIONAL RESEARCH SERVICE

OPENING STATEMENT OF CHAIRMAN YODER

Mr. YODER. I call the hearing to order. Today, this afternoon, we are having a hearing on the Library of Congress. We would like to welcome Dr. Carla Hayden, the new Librarian of Congress to our committee hearing today and your trusted team here, Mr. Newlen and Mr. Barton. Thank you all for attending.

And we look forward to an excellent hearing and lots of good conversation about the wonderful things you are doing at the Library of Congress, and how we can be supportive, and continue to improve upon the great work there.

The Library's requesting $493.2 million, an increase of $36.2 million above fiscal year 2017. In fiscal year 2017, we started positioning the Library so that it can make critical improvements to its information technology systems with funding for the outstanding Government Accountability Office IT recommendation and the relocation of the Library's primary computing facility. The Library's current primary computing facility built in the 1970s can no longer provide a sufficient level of data center reliability resiliency. We continue to make this a priority for fiscal year 2018.

The Copyright Office request is $72 million, an increase of $3 million above fiscal year 2017. The subcommittee feels strongly that the modernization of the Copyright Office is still a very important initiative, and as long as it falls under our jurisdiction, we will continue to focus on the future of the Copyright Office within the Library of Congress and support what is needed to ensure that they are able to meet the demands of the digital age.

The Congressional Research Service request is $119.5 million, an increase of $11.5 million over fiscal year 2017. Thank you for providing Congress with an in-depth research concerning a wide spectrum of diverse issues there as well.

Lastly, the books for the blind and physically handicapped request is $52.9 million, an increase of $2.7 million over fiscal year 2017. So lots of work to do here, and we welcome you to the committee and look forward to your testimony in a minute.

Before though, I would like to recognize Mr. Ryan for an opening statement.

OPENING STATEMENT OF RANKING MEMBER RYAN

Mr. RYAN. Thank you, Mr. Chairman, I appreciate it. Thank you. Welcome. We had a great tour when we came over to see you. We enjoyed the inner workings of the Library. I want to thank Ms. Lowey for being here, gracing us with your leadership and your presence. Thank you. I am excited to see your whole team here as well, and as well as every Democrat here on our subcommittee. This is a pretty nice crowd we have here that you bring with you.

The Library of Congress is home to some of our Nation's most valuable resources, and it is a repository for books on every conceivable subject for historical objects and records from throughout our history, maps, photographs, films, music, interviews with veterans, and everyday Americans talking about their lives an much more. And we need to see ourselves as trustees of all of these collections, taking care of them for our children and their children. And you can't put a price on these national treasures, although that is exactly what this subcommittee has to do every year.

The Library is also someplace we can turn when we want to talk to an expert on some area of policy coming up in Congress, and it is where people who create things turn to help protect their intellectual property. I am pleased to see that the Library's budget request prioritizes IT modernization, because information technology ties in with everything the Library does. Upgrading the Library systems will help serve Congress' research needs, serve the needs of copyright holders, and make it easier for people across the country to access the Library materials remotely.

The Library has also absorbed a lot of the effects of inflation in recent years, trying to maintain their current services, while covering all the new expenses, and not necessarily receiving the funding to do all of it. For example, CRS has tried to provide Congress with the same level of assistance while staffing levels have dropped by 13 percent since 2010. I hope we will reverse or further slow that trend if we are able to do so.

Finally, I want to thank you for proposing to increase investment in the Veterans history Project by 6.2 percent. I think that would be money well spent in all of our districts. I think this would have quite an impact. I look forward to hearing what Dr. Hayden and her colleagues have to say. And I yield back the balance of my time.

Mr. YODER. Thank you, Mr. Ryan.

We are also honored today to have the ranking member of the full committee, Mrs. Lowey, in attendance. Mrs. Lowey, welcome to the committee and we would love to hear your opening statement as well.

OPENING STATEMENT OF MRS. LOWEY

Mrs. LOWEY. Thank you. I would like to thank Chairman Yoder, Ranking Member Ryan, for holding this important hearing today. Let me also congratulate you on your new position as ranking member and chair. And I welcome Dr. Carla Hayden, Deputy Librarian Robert Newlen, Chief Information Officer Bernard Barton. Thank you for appearing before us today.

And I also want to take the opportunity to thank your whole staff. I must say for many of us, besides the essential elements of the Library of Congress, we have some of the most spectacular evenings, which you host for so many of us. So I want to thank you again, and acknowledge your wonderful staff for being so gracious.

This subcommittee provides the critical security and support necessary for the House of Representatives to function. It is essential that these agencies receive robust funding so Congress can operate effectively and respond to the needs of our constituents.

The Library of Congress has the difficult task of balancing many competing priorities, such as preserving the cultural heritage of our Nation, maintenance of the U.S. copyright system, and responding to requests from congressional offices, all while handling over a million visitors each year.

The Library is an important resource that provides valuable information to Members and staff alike and. It enjoys bipartisan support. Although I am pleased that the fiscal year 2017 spending bill included $631.96 million for the Library of Congress, a $32 million increase from the previous year, this subcommittee will need to commit even more funds to ensure the Library does not fall behind.

The Library is undergoing a major overhaul of its information technology; the Copyright Office is facing numerous challenges, and is in need of modernization; and the Congressional Research Service is under pressure to keep up with the demands of congressional offices, all of which requires significant investment. It is up to this subcommittee to ensure the Library is provided with sufficient resources to achieve its goals.

Dr. Hayden, I want to thank you again for your leadership, and I am pleased that your fiscal year 2018 budget request of $687.7 million recognizes the various challenges the Library faces, and that you are committed to the efficient use of the resources available to you. I look forward to your testimony.

Thank you.

Mr. YODER. Thank you, Mrs. Lowey. And Dr. Hayden, now we turn to you. Your statements, as well as the statements of the Acting Register of Copyrights and the Director of Congressional Research Service have been provided to the members of the committee and they will be included in the record.

We now turn to you to summarize your statement and address the committee.

OPENING STATEMENT OF THE LIBRARIAN OF CONGRESS

Dr. HAYDEN. Thank you, Chairman Yoder, Ranking Member Ryan, and members of the subcommittee, and Mrs. Lowey for having me here today, and giving me an opportunity to provide testimony in support of the Library's 2018 budget. And it is my 8th month into my tenure, I continue to be inspired by the breadth of the collections, the services, and also working with the staff members of the Library of Congress. We did an estimate of their collective tenure, and it goes to 80,000 years of combined expertise and special services. And so today, the Library holds more than 164 million items in over 470 languages, and it is the world's largest collection of materials, and it is recognized as such.

Last year, we did greet and serve nearly 1.8 million visitors, with 93 million visits to the website. And the Copyright Office registered more than 400,000 claims. We also took 10 million preservation actions on the collections and we responded to over 1 million reference questions from Congress, the public and other Federal agencies.

I would like to express my sincere support and I know I speak for the entire staff for your support for the fiscal year 2017 funding. It will allow us to implement modernization, IT modernization that will propel the Library forward in many ways, strengthen our ability to serve Congress and also to make sure that we have the most modern and efficient copyright process and also making sure that our collections are preserved.

A modernized Library growing in reputation and the Library of Congress' reputation is worldwide and well-known. Our budget request reflects our priorities in terms of expanding our access to Congress and to the public, as well as being good stewards of our physical collections and making sure that we have a technology infrastructure that supports all of our efforts.

One of the first things we did this year was to strengthen our oversight and management internally. And I was very pleased. And I have to say that the Government Accountability report provided a blueprint for IT modernization and I have been working very closely with Mr. Barton. In fact, he reports directly to me, and we meet weekly to make sure that we act on the GAO recommendations and that we are building an infrastructure that will support the Copyright Office, CRS and our other specialized services.

Also, the Director of Strategic Planning and Performance Management now reports directly to me as well so that all of our planning and performance management efforts are aligned. Our requests, as you mentioned, was $38 million additional over last year, and IT modernization is the primary focus of my efforts and our request.

The stewardship of the physical collections is not just a storage aspect, but it is also preserving our collections. We have multiformat collections, and there are many ways that we can preserve and conserve those efforts.

In closing, the modernized information technology, being good stewards of our collections, and also making sure that our unique workforce, the expertise that I mentioned earlier, continues into the future is a major focus of this budget request.

I look forward to opening up to questions and getting into more specifics with Mr. Newlen and Mr. Barton here.

[The prepared statement follows:]

Statement of Carla Hayden
The Librarian of Congress
Before the
Subcommittee on the Legislative Branch
Committee on Appropriations
U.S. House of Representatives
Fiscal 2018 Budget Request
May 18, 2017

Mister Chairman, Ranking Member Ryan, and Members of the Subcommittee:

Thank you for the opportunity to provide testimony in support of the Library's fiscal 2018 budget, my first as Librarian of Congress. This is my first budget request as Librarian of Congress and I look forward to working with you.

Just eight months into my tenure, I am inspired by the breadth and depth of the Library's collections and the expertise and commitment to public service of its staff. Today, the Library holds more than 164 million items in all formats and languages and has the world's largest collections of legal materials, films, and sound recordings. Last year the Library welcomed nearly 1.8 million in-person visitors and there were 93 million visits to our web site. More than 414 thousand claims were registered by the U.S. Copyright Office. More than 10.5 million preservation actions on the collections were undertaken and the Library responded to over 1 million reference requests from the Congress, the public, and other federal agencies.

I would like to express my sincere gratitude for the support that this committee and indeed the entire Congress gives to the Library. In particular, I appreciate your support in the fiscal 2017 funding bill for several high-priority needs. As the Library continues to implement recommendations by the Government Accountability Office to strengthen our information technology infrastructure, a three-year migration of our data center to a new, safe and secure Tier III primary computing facility, away from Capitol Hill, is vital to IT modernization. Your support for protecting the Library against cyber security threats through two-factor authentication helps us address a shared priority. Improved security will better protect our IT network and resources, including the security and confidentiality of Congressional Research Service data.

I particularly appreciate the additional funds for Copyright Office modernization, one of my management priorities. I am grateful as well for your support for digital collections management staffing, new Law Library compact shelving, and additional funding for CRS.

I come before you today to discuss the Library's funding request for fiscal 2018 during a time of challenge and opportunity as we position the Library for the future. I am committed to a modernized Library that will make our extraordinary resources, collections and programs available online, enhancing opportunities for those who cannot come to see us in person. Our

budget request reflects my most immediate priorities of expanding access to historical documents, serving the Congress, improving service in all mission areas and being good stewards of the national collection. As an example of increased access and better service, we are livestreaming Library programming to congressional districts to bring the Library's collections to people who cannot come to Washington, D.C.

In the months since I took office, to better support these priorities, we have taken positive steps to strengthen management and oversight within existing resources. In November, I addressed the need to maximize value from the Library's investment in technology by directing that all technology activities be centrally coordinated through the Office of the Chief Information Officer (OCIO) and approved by the Chief Information Officer, who now reports directly to me. IT centralization is well underway.

The Director of the Office of Strategic Planning and Performance Management also now reports directly to me to strengthen strategic, directional and operational planning, as well as performance assessment, internal controls, and the identification and mitigation of high-risk areas.

I am confident that these adjustments have put us on the right management path internally to position the Library for the future. Now, however, I ask for your assistance in helping us take the additional steps we need with an increase in funding for key initiatives.

The Library of Congress fiscal 2018 budget request is for approximately $738 million, which represents a 7.8 percent increase over the Library's fiscal 2017 budget. Of this, 5.9 percent accounts for mandatory pay and price level increases ($43.3 million). The balance of the increase represents critical investments in information technology for the Library, the Copyright Office, and the Congressional Research Service, as well as funding to acquire new workforce expertise in key areas.

The fiscal 2018 budget request advances the fiscal 2017 IT modernization progress with three critical modernization initiatives: enterprise investment in IT for the Library; Copyright IT modernization; and CRS systems modernization. First, the Library's Enterprise IT Modernization request will upgrade the underlying network infrastructure across the enterprise to state-of-the-industry standards. This effort will provide the infrastructure backbone to support the modernization of all business applications, including a modern Copyright registration system. Next, the Copyright IT modernization request will focus on its mission systems and seeks support requirements analysis for the next generation registration system as well as resources for maintaining the stability of Copyrights legacy systems. Finally, CRS is seeking a five-year investment in the Integrated Research and Information System (IRIS) to modernize mission-specific information systems that will reduce the time to research, analyze, create, and deliver CRS products to Congress with increased security and confidentiality of congressional data.

A highly trained workforce with the unique skills and expertise to take the Library into the future is critical to meeting the needs of the Congress and the American people. We have an aging staff. For CRS in particular, bringing in junior analysts is important to strengthen capacity in high congressional demand areas such as defense policy, health and education policy, and the federal budget process. The junior analyst staffing model is an innovative, cost effective concept that allows CRS to be more nimble and flexible with staff by providing analysis on emerging issues, while reducing staff capacity in areas that are no longer in demand. It also provides the junior analysts with the opportunity to build expertise by working with top senior analysts.

The Library is also committed to a fully functional, well-staffed, and modern Copyright Office. Funding is also requested to establish a more robust Copyright registration staff as well as public information staff to address backlogs and improve the Copyright user experience. Enhanced public information staffing will improve the Copyright user experience and allow the Public Information Office to permanently expand hours of service to better serve the large copyright stakeholder community on the West Coast.

Storage space for our collections continues to be a high priority. Storage module 5 is on target for completion in calendar 2017, thanks to congressional support. Although not in the Library's budget request, the Architect of the Capitol is requesting $45 million in its fiscal 2018 budget to build a double preservation storage module 6, needed to keep up with the volume and preservation of the physical collections. The design for preservation storage module 6 was funded in 2016. As stewards of the precious collections stored at Ft. Meade, resources that belong to current and future generations, we are deeply grateful for this congressional support.

Another less obvious improvement to our infrastructure is restoration of our custodial services through an addition to base funding. Custodial services have degraded significantly since 2011 as the result of escalating costs. A return to 2011/2012 acceptable quality levels would address health and sanitation concerns, and also prevent erosion of the physical plant. All of this is important not only for the staff, but for visitors to the Library.

In closing, modernized IT, strengthened infrastructure, and funding for staff with unique skills and expertise are all critical elements in positioning the Library for the future. With your support, our service to the Congress and the American people promises to be the best it has ever been, as we reach millions of new users in the years to come.

Chairman Yoder, Ranking Member Ryan, and Members of the Subcommittee, the Library is both America's first federal cultural institution and part of the innovative infrastructure of America. I thank you again for supporting the Library of Congress and for your consideration of our fiscal 2018 request.

INFORMATION TECHNOLOGY MANAGEMENT

Mr. YODER. Thank you for your testimony this afternoon. We will now turn to questions. I will begin then we will move through the other members of the committee.

In May 2015, the GAO made 31 public recommendations to improve the Library's management of IT. Can you just briefly—I have sort of gotten them before me and we could probably talk about them for days, but can you briefly just summarize where you are on these and how we are doing addressing these recommendations?

Dr. HAYDEN. I am smiling because I can report that just this morning, three of the 31 recommendations were closed. The GAO report gave us the blueprint to follow for modernization. Yes, the document that you have and that we have been working on, I mentioned working with Mr. Barton directly. I received a full report from GAO last week and they—even though it takes about a year to close out one of the recommendations—they are very pleased on the Library's progress on the remaining recommendations, and there are two others that have been closed already, so it is a total of five out of the 31 that have been closed so far. And this morning, I must say, we did celebrate a little bit, that most of the other recommendations, including making sure that the Library had shared services across its infrastructure. That was part of my effort to centralize all IT efforts in the Library are leading to at least 30 to 40 percent of the remaining recommendations, that is a completion rate for the rest and they are on track to be closed out.

In the estimated time that originally had originally been scheduled, we are looking at and working on some other adjustments to the scheduling of the closeouts. However, they seem very pleased, and were very complimentary of Mr. Barton and his staff. They meet with them every week to go over the recommendations. This is a success story in terms of having that GAO report as a blueprint and a way that we can go forward.

Mr. Barton, if you want to add anything to it.

Mr. BARTON. I would just add that the staff across the Library and all the IT departments that are working on the recommendations from GAO have proven to be very dedicated, very committed to advancing the mission of the Library, and it has been very successful so far. As Dr. Hayden mentioned, the weekly meetings that we have had with the GAO have been very productive. There is a little bit of a learning experience for us on the requirements to close out recommendations, but we are making a significant progress. And I expect that we will have most of these recommendations closed out in very short order.

COPYRIGHT PROCESSING TIME

Mr. YODER. Thank you for your report.

Earlier this month, we heard testimony regarding making the Copyright Office autonomous. I am sure you have some thoughts on this. But it was stated in the hearing that the Patent and Trademark Office can process about half a million recordations on an annual basis with 10 to 12 people. They can have them online for people to see within 24 to 48 hours. It also stated the Copyright Office has the same amount of people, can process about 11,000

recordations, and it takes 18 months to process. Do you agree with that assertion? And what do you think the contributing factors are and the difference between the Patent and Trademark Office and Copyright Office are in terms of the number of records being processed, and the timeliness of the process? Twenty-four hours versus 18 months is a pretty big difference.

Dr. HAYDEN. IT modernization systemwide for the Library includes a concentration on the two major specialized units Copyright, and CRS actually has special IT needs, the National Library for the Blind and Physically Handicapped as well as Library Services so there are a number of units that require mission-specific IT concentration.

The submission for this fiscal year includes staffing for registration to allow the Copyright Office to reduce the number of backlogged registrations and to begin to make that an acceptable number in terms of their workload. The IT modernization for copyright is a major priority and having not only the staff, but also the capacity to have an IT system that supports their mission is one of our major focuses.

Mr. YODER. What do you think an acceptable turnaround time would be?

Dr. HAYDEN. Well, shorter.

Mr. YODER. Right.

Dr. HAYDEN. Definitely shorter. And in looking at combining the special needs of registration, and because all types of items are being registered. And also with the electronic registration, and that is a special area as well. So we are working diligently to make sure that the IT component of registration is more than adequate and efficient and then the human component of registration is being addressed and working in this submission as well.

CONGRESSIONAL RESEARCH SERVICE STAFFING REQUEST

Mr. YODER. Okay. Mr. Ryan.

Mr. RYAN. Thank you, Mr. Chairman. I have a couple of questions on CRS. So if Dr.——

Dr. HAYDEN. Mary Mazanec. The Special Forces.

Mr. YODER. If you would introduce yourself for the committee.

Dr. MAZANEC. I am Mary Mazanec, the Director of the Congressional Research Service.

Mr. RYAN. We have a face with a name now. We all need to spend a lot of time utilizing your services.

I have a couple of questions. The junior analyst position that you are requesting, I could see, in some sense, how this would increase capacity, but I think it also may have the potential to be very cumbersome. So if you can talk a little bit about how this may affect the quality, will it affect the quality of the CRS product? Could it potentially create more work than it saves? So can you just talk us through what you are thinking about that?

Dr. MAZANEC. In the budget, we are requesting eight temporary employees. These would be entry level analyst positions to bolster the high-demand areas. The perennial high-demand areas are health care, education, defense and budget and appropriations. This will give us flexibility to be responsive to the needs of Congress. It also will allow us to start training people who may eventu-

ally join our staff on a more permanent basis. So it is also, part of our succession plan. I don't think the quality of the work will be impacted. I think that these individuals would be part of a team and that they would be working with more senior analysts who would train them and mentor them.

Mr. RYAN. And so I would assume that the senior analysts, then, would have less time to do the work? Is that a concern at all?

Dr. MAZANEC. Actually, part of the intent of this is to relieve senior analysts so that they can focus on the more sophisticated, deeply analytical needs of the Congress. These entry-level positions would be able to handle a large number of the less complex requests, along with other CRS staff.

CRS IT MODERNIZATION

Mr. RYAN. Okay. You were requesting $4 million this coming year and a total of $20 million over the next five years to invest in the integrated research and information system?

Dr. MAZANEC. Yes.

Mr. RYAN. Can you explain, in concrete terms, what this new system would allow to you do that you can't do today. So let's say a congressional office requests a report on some new defense project or report on benefits for service-disabled veterans, what would be different under the IRIS system from our vantage point? And how we kind of think about this, how would it be different?

Dr. MAZANEC. Let me start by saying that our current system is a legacy system that is aging. It is highly complex. It was highly customized when it was designed. It is becoming more and more difficult to maintain. It is in dire need of being modernized. Technology has advanced since the system was created.

Mr. RYAN. When was that created?

Dr. MAZANEC. It has been about 10 years. It is a multicomponent system. It is our authoring and publishing system, and our client or customer management system. There is also new technology that would allow us to better analyze and do research on large data sets. The current authoring and publishing system is somewhat difficult to use by the analysts who create the content, and we are hoping that we can test technology that is available, and identify what new systems could be put in place. That is what we are already starting to do. We are reviewing RFIs, requests for information, and we will demo test and evaluate systems this year. A new system will free up time of the analysts, so that they can do more of the analytical work, and spend less time on the production and publication the content.

Mr. RYAN. Okay. And you think the 5-year plan is doable, $4 million a year?

Dr. MAZANEC. I think it is doable. Now I am not a technology expert. This proposal, this programmatic increase, was put together in collaboration with the CIO, Bud Barton, who has reviewed it and endorsed it. It is also part of the Library's modernization plan.

Mr. RYAN. Okay.

Dr. HAYDEN. If I may——

Mr. RYAN. Yes, of course.

Dr. HAYDEN [continuing]. Add to that. What the general Library modernization allows units like CRS and Copyright to do is focus

on their particular IT needs. Dr. Mazanec mentioned that she is working with Mr. Barton. And we have developed, as part of IT centralization, a project management office that will help all units reach our proposals and look at what their needs are, specific to their mission and work with the general IT office. And so that also provides another level of support for them and this system is one of the IT challenges that the Library has and is mentioned quite frequently in the GAO report, Copyright and CRS.

Dr. MAZANEC. Can I add one more feature of the new system, which is a priority of mine? This new system would allow us to capture our work product and create an institutional memory. As staff retire and roughly about 25 percent of our staff will be eligible to retire in the next fiscal year—we will have the institutional memory preserved.

Mr. RYAN. I yield back.

ACCESS TO LIBRARY RESOURCES

Mr. YODER. Thank you, Mr. Ryan. Ms. Lowey.

Mrs. LOWEY. Thank you again for being here, and I know that all of us are so impressed with the incredible collection at the Library of Congress. And I know you have been very interested in making sure that people around the country can avail themselves of these incredible resources; not everyone can come to Washington, D.C. Can you give us an idea what you are doing and what you are planning to do?

Dr. HAYDEN. This is one of the most exciting aspects of my tenure, and really, what makes being at the Library of Congress at this time so exciting, because of the information technology, the modernization that the Library is embarking on that will help improve services. People will be able to—for instance, with the Veterans History Project, we are developing a mobile application, an app, so that anyone with their phone anywhere can start recording their services.

We are actually live-streaming programming from Capitol Hill and the Jefferson Building and other wonderful programming that the Library has that you referred to will be available—and we tested it out, it works. We link the live-stream to schools and any facility, any public place throughout the country at the same time. People will be able to interact with us with traveling exhibits. We have plans for three 18-wheelers, West Coast, East Coast, Midwest to be able to take the Library into communities as well with interaction with the staff members here.

We also are looking at making sure that we digitize as many unique collections that we can. For instance, Teddy Roosevelt's papers and Woodrow Wilson's papers in the next few years, because of World War I, so those will be available. We have already started with that. And we are making sure that when we do any programming, or think of anything here, we are thinking about how can we get it out to as many people as possible. So we have expanded our education programming, Teaching with Primary Sources and combined that with the Young Readers Center, which will be expanded as well.

Mrs. LOWEY. How——

Dr. HAYDEN. Actually down to 6 months.

Mrs. LOWEY. You are competing with Sesame Street.

Dr. HAYDEN. Not quite. Well, we actually have had Clifford the dog. We are going from the earliest, we are growing. We want to grow readers, and also make sure that people have access to primary sources as soon as possible. We are working with the National Archives and the Smithsonian, so the three institutions are looking at ways we can have joint exhibits and joint programming as well. There is one program called Citizen Archivist, we are expanding it to be Citizen Historian, because a lot of young people are not able to read the manuscripts, the original manuscript in cursive so we are going have translations for that and invite people to do that.

That has been an interesting aspect of making historical documents accessible, but if they can't read them, that is difficult. For instance, the draft of the Declaration of Independence, we have it digitized, but if they can't read those wonderful words, these are just some of the ideas, and they are just expanding all the time.

LIBRARY VISITORS

Mrs. LOWEY. Very exciting. Just curious, because Members of Congress come over there a couple of times a year and you bring out some of the most exciting exhibits. How many people just walk off the street and say, I think I will go to the Library of Congress today?

Dr. HAYDEN. Quite a few. Several years ago, my predecessor, Dr. Billington, worked very diligently with the Architect of the Capitol to have an actual tunnel connecting the Capitol Visitors Center to the Jefferson Building. And we get a number of people that come in for tours and things like that that come into the Jefferson Building and the connections that are made there.

We just hired a new exhibit director who will work on the visitor experience. And, so, what will people experience on their way to the Library of Congress, and then when they get into the Jefferson Building. So there is going to be quite a bit more of engaging people with that.

And then we are reaching out to the public, social media, all types of ways to let them know what the Library has already, what they can see online. So you will be hearing more—we are not going to be quiet anymore. We are going to let everybody know.

Mrs. LOWEY. Thank you. Thank you, Mr. Chairman.

Mr. YODER. Thank you, Mrs. Lowey. Mr. Moolenaar.

MODERNIZATION PLAN

Mr. MOOLENAAR. Thank you, Mr. Chairman, and thank you for being here. And also, thank you for the tour you gave us a while back and for the work you are doing. Everybody who experiences the Library of Congress, I think, just has an awe of the work that is being done, so thank you for that.

I wanted to explore a little bit about modernization. I just wondered if you had some benchmarks that you are looking at where you would say, okay, here is step 1, here is step 2, and here is step 3. And you may have covered some of that, but I just wondered if you have kind of a modernization plan in mind for that?

Dr. HAYDEN. There is a general Library-wide modernization plan. And thank you also for the multiyear funding to support that and get that going. The first part, of course, is really strengthening the infrastructure, and that includes data storage and security of the assets that the Library has and the capacity. Mr. Barton will get more into the weeds about some of that. The other part, though, in terms of modernization, the IT modernization plan has aspects for scheduling copyright modernization as a unit of that and CRS and their efforts. You will see in the submission about adding specific IT staff for those type of things. So there is a timeline, and it is being revised as we move forward, but Mr. Barton might want to elaborate on that. But there is a definite plan, road map, I mentioned the GAO before, and that is also giving us guide points along the way. So it is moving quite rapidly, I would say.

Mr. BARTON. If I may add, really, we are looking at three phases: The first phase is stabilizing our current environment; the next phase would be transitioning as much of our production services as possible to what we would call a tier three level capability. And what tier three level capability does more is it provides more redundant power and cooling and heating. So that in the event that maintenance needs to be done on those systems, you don't have to bring down your application or your capabilities.

The next part is really modernizing applications across the service units. We have been very successful over the last several years with congress.gov and loc.gov, modernizing those applications, using very state-of-the-art technology stacks, if I could use a little technical term there. And that is going to allow us to be very modular in how we develop our applications. I think it is important for us to be able to not position ourselves where we are now where we have legacy systems that are built on applications and technology that are no longer supported by the vendors that originally created them. So the idea is that we create all of our applications in a manner that allows us to expand, upscale, or even, if necessary, to serve our purpose, to decommission them in a very logical and time-sensitive manner, as well as being able to update the system at the same time.

So pushing forward on the IT areas that we are is difficult, because we are trying to change every aspect of IT across the Library, from management to security, to project management to investment, to monitoring, to the actual development of software. We are doing it. We are making it all happen at the same time. And I am very proud of the people who are making that happen.

INTERNATIONAL ACCESS

Mr. MOOLENAAR. If I may, Mr. Chairman, when you do that expansion and make more things available online, and you are obviously expanding the reach, as you had mentioned, nationally. How does that fit internationally? Can people access resources internationally?

Dr. HAYDEN. Yes.

Mr. MOOLENAAR. Does that compound some of the security issues that you are working on?

Dr. HAYDEN. Before I turn it over to Mr. Barton, I have to say that in my experience, career, IT modernization is something that

most libraries share the need for. When you have the world's largest library, with more formats than any other library in the world, and unique items. I mentioned Teddy Roosevelt's papers, you have diaries, you have so many types of materials to be put on online. And it has the specialized units as well. This is, frankly, one of the aspects of modernizing the Library of Congress that people and other institutions all over the world are looking at, because they know about the complexity of the Library of Congress. And so we are, in some ways, a model for other libraries in seeing that.

So it is complex, it definitely is challenging, but I feel that we have—it is one of my top priorities to get this part of it together, parallel to letting people know about what we have in that as we create more interest in the Library, we are also seeing that there is a clamor for us to put more online, to be available, to not go down, to do all these types of things. So Mr. Barton has quite a job.

Mr. MOOLENAAR. Thank you, Mr. Chairman.

Mr. YODER. Thank you, Mr. Moolenaar. Ms. McCollum.

PUBLIC ACCESS TO CRS REPORTS

Ms. MCCOLLUM. Thank you. Perfect setup for what I am going to ask. Quite often, when we are in the middle of marking up this particular bill, a colleague of ours, Mr. Quigley, has an amendment to make all the CRS reports available to the public online. And there have been different conversations that Members have had around the table. Maybe it makes sense for some of them, but it should be up to the Library what reports it makes public. There are actually groups that publish CRS reports of—I just found a website, Congressional Research Service Reports on Conventional Weapons, I just found that online. Some scientific organization has uploaded the report. Sometimes you are developing reports specifically for Members who are looking at doing legislation, and so there is a confidentiality and a privacy aspect of it.

Could you maybe tell us what the Library's opinion is—because I am sure this amendment is going to come up again, and we usually have this discussion kind of on the fly. But let's pretend the amendment is being offered right now, I would be interested in knowing the Library of Congress' opinion on making CRS reports available to the public, whether it makes it cost prohibitive, whether it is a security issue, whether it is just something that you—until Congress says otherwise, you think should be internally held?

Dr. HAYDEN. The Library has no opinion about the publication of the reports, and what we are focused on is the efficiency making sure that we are retaining the level of service to Congress, and part of that modernization effort is to make sure that we are able to serve Congress. And so, there are a number of elements in terms of providing that service. You mentioned confidentiality, security of the information itself. And so, we know that there are a lot of possible concerns, and we will be able to provide any information to Congress as you consider all of the elements.

Ms. MCCOLLUM. Part of the argument goes, I can request a CRS report on what is trending with Lyme disease. I could request it. I could hand it to a constituent, but a constituent couldn't call and ask for that report. So it is public, but yet it is not public.

Dr. HAYDEN. I spent a number of years in the public library as well—and the Library of Congress, it serves Congress, that is where they are the Special Forces, and they specifically reference analysts that answer to Congress, and Congress' reference needs. There are public questions in reference questions in reference, I think I mentioned in my opening remarks, that the public can directly contact the Library of Congress. The CRS is specifically for Congress, so that is why it is a decision of Congress, how much public input—not public input, but public product CRS has.

Ms. MCCOLLUM. Well, I thank you for that. I think you draw a good distinction. The Library of Congress is open to the public, and they can go on and they can do research, and they can even request something from the Library, where CRS, is dedicated and set aside to help us be more effective and efficient in our jobs. As we see fewer staff available to us, and we see your staff being reduced over the years, there is a pressure point at which, I think, some of us are very worried that you won't be able to do your job as effectively and as efficiently as you would like to.

INFORMATION TECHNOLOGY SECURITY

I am also a little concerned, and I am probably showing my limited knowledge of technology, that any time you start opening up more of your system to the public to easily get in, documents can be manipulated; things can happen to them, even on the internet. Is that part of the concern as well? You are trying to protect your IT system, but there are more people going in?

Dr. HAYDEN. Yes. That is also a concern in terms of having a number of different service units that have different systems that is part of building a unified infrastructure for IT that helps you lessen not only duplication and waste and expense in terms of basic commodities and printers and things like that you purchase in bulk, it also gives you more security and control when you have all of the units having a basic infrastructure. And the more—and Mr. Barton can definitely speak in more detail about that, the more exposure you have moving from the tier one to the tier three, being able to have a more secure data center helps with our security.

Ms. MCCOLLUM. So Mr. Barton, so right now, if my staff is requesting something with the Library of Congress, all the servers are recognizing each other, that this is coming from one secure site to another secure site?

Mr. BARTON. That is correct.

Ms. MCCOLLUM. It is kind of scary that I understand that much.

Mr. BARTON. You hit all three of the primary concerns regarding security. The three areas are confidentiality, integrity, and availability. Integrity goes to is the product what you originally put up there. So CRS is publishing a report. Is that report the same report that they originally published? That is something that if you find it out on the open internet, there is no guarantee that that is the same product that was published by CRS.

Availability that goes to the tier three setup that we asked for funding for, that means, no down time for the servers. And then confidentiality, that is the point where only people who are authorized to see a specific piece of information see that information. The way that we are designing the data centers and our information

structures, our data structures these days, allows us to make those distinctions at several different points within the infrastructure. So I am confident that once we understand what the owner of the data wants to be made available, we can do that in a manner that makes sure only the people who are allowed to see it, see it.

PUBLIC ACCESS TO CRS REPORTS

Ms. MCCOLLUM. Thank you. And thank you, Mr. Chair, for indulging me in this line of questioning. We know it keeps coming up, and people ask, what is the big deal? I can order a report online or see if you have already written one and I can share it with a constituent. I think sometimes it sounds too good to be true. Therefore, I think it is too good to be true. So thank you very much for helping me understand.

Dr. HAYDEN. Mr. Newlen.

Mr. NEWLEN. I just wanted to say that the Library, as Dr. Hayden has just said, is prepared to implement any congressional directive about the dissemination of the CRS reports. But what we care most about at the end of the day is that you have confidence in the integrity of CRS reports, and work products.

Ms. MCCOLLUM. That is why I wanted to have an enlightened discussion where we weren't voting in 2 seconds.

Dr. HAYDEN. Mr. Newlen is a veteran of CRS. There is a special place for him.

Mr. YODER. Thank you for your input. Ms. Wasserman Schultz.

CRS PERSONNEL

Ms. WASSERMAN SCHULTZ. Thank you, Mr. Chairman. Along the same lines with CRS, maybe the director could come back up to the table. I can see the value in raising up the next generation of CRS expertise, because you are about to have such a huge export of your tenured professionals. But in your testimony, Dr. Hayden, you say that you would be reducing staff capacity in areas that are no longer in demand. How would it be determined what areas are no longer in demand, especially given that Congress drives your demand?

Dr. HAYDEN. Dr. Mazanec can get into more of the details of how they track the number of requests and keep up with what are the high-demand areas. And that is something that CRS does regularly and makes sure that, for instance, health, education, there are some perennial topics that they know have high demand, and then they have to be flexible for topics that are more current, or that are of the time. I will turn it over to you now.

Dr. MAZANEC. Thank you. As was stated, our staffing levels are down 13 percent since 2010. We have prioritized the analytical capacity in the service, and the analyst levels are down 8 percent. We are at the point in the current budget climate, where we can not immediately fill behind someone that departs. What we have done is taken their portfolio and reassigned their issues so that there is coverage. We are dedicated to providing the full coverage of congressional issues and process and procedure.

We are not looking to eliminate coverage in any area. What we are trying to do is reinforce areas that have a very high number of requests, and do it in a way that allows us some flexibility. That

is why we are requesting these eight temporary appointments in the five high volume areas. It would be a temporary appointment for three to five years. It could be renewed if the demand continues, but it could also allow us to pivot to other areas of congressional focus that need additional support.

Ms. WASSERMAN SCHULTZ. If you had your druthers, would you prefer that we give you full-time——

Dr. MAZANEC. Yes.

Ms. WASSERMAN SCHULTZ. FTEs, to fulfill the needs that you are currently lacking?

Dr. MAZANEC. Well, we are authorized for 651 FTEs. Our current budget, our current resources will support around 582, 583 persons. I am very concerned that although my staff is very dedicated, very motivated, and they love working for Congress, we keep on asking them to do more and more. We are at a point where I want to make sure that we continue to support the Congress with high-quality work. So we are coming up with other ways to staff that allows us some flexibility.

Ms. WASSERMAN SCHULTZ. So, Mr. Chairman, I would ask that you consider when you prepare your chairman's mark, this as an example of where we are shortchanging our own needs by not having the kind of expertise over a long extended period of time at CRS, and continually adding more and more Capitol Police officers. It is a tradeoff. Over the last number of years, we have dramatically increased the Capitol Police budget, giving them more personnel. And we are shortchanging and causing CRS—this is a good idea, I think, but it is not the way—it is a good idea because they are basically trying to put their fingers in the holes where the dike is leaking, the dam is leaking. And so, when you are thinking about the whole picture of the leg branch budget, this is something that we should consider because we have been shortchanging ourselves for far too long, in my opinion.

COPYRIGHT MODERNIZATION

I wanted to just shift gears and ask the Librarian a little bit about the Copyright Office. The 2017 omnibus bill, omnibus report directs the Library to defer to the Register of Copyrights expertise when it comes to copyright specific IT systems and some of the larger copyright issues. Do you foresee any challenges to meeting that commitment?

Dr. HAYDEN. No. And the policy and the advice to Congress on copyright matters law is intact, and I just want to take this opportunity to thank Ms. Claggett for being the acting Register and the work that she has done. She has worked collaboratively with Mr. Barton on making sure that the IT modernization effort continues and is strengthened.

Ms. WASSERMAN SCHULTZ. Thank you. What formal direct role does the Register of Copyrights have in managing of the Copyright Office's IT systems, or in planning and implementing any modernization efforts?

Dr. HAYDEN. The job of the Register, beyond the policy, is to manage the process. And part of that is to be not only part of a Library-wide technology committee, basically, and to have—make very well known the mission-specific IT requirements to the Li-

brary, and that we depend on the service units to give the information of what are your specific IT needs and how can we support those?

PUBLIC OUTREACH

Ms. WASSERMAN SCHULTZ. Thank you. And lastly, I just want to commend you and your entire team on the significant advances you have made in public outreach, particularly for children. I won't bore anybody with the story, but from the time I came 12 years ago to now, there is a dramatically different ability for children to get access to the Library of Congress. And your staff should get full credit for the really excellent job that they have done in taking us through that process.

Dr. HAYDEN. The Young Readers Center is now open on Saturdays and we have seen a marked increase in the number of people who live locally that come to the Library. We also have requests for more reference services in connecting to the collections for people under 16. They can get a readers card at 16. People are saying what about the 12-year-old that wants to do that? I mentioned the 6-month old. There is a Friday morning story time as well with the stroller park. And plans now to expand the Readers Center to be a youth center with learning labs and ways to connect to collections.

Ms. WASSERMAN SCHULTZ. Just so you know, the 5-year olds that helped cut the ribbon on the Young Readers Center are graduating from high school in 2 weeks.

Thank you. I yield back.

CHAIRMAN'S CLOSING REMARKS

Mr. YODER. Thank you, Ms. Wasserman Schultz.

Dr. Hayden, thank you for your testimony today. I think pretty much everyone has gotten a chance to ask their questions and we have votes on the floor. So we are going to let you off the hook a little bit. But as we work through our deliberations on how to best allocate resources in 2018, your testimony will be very important to us, and we will continue that dialogue to make sure that we have all the information before us and that you will be given the resources you need to do your job. So thank you for your testimony today and thank you for your service to our country, Mr. Newlen and Mr. Barton. And thank you to the rest of the staff, thank you so very much.

And at this time, the subcommittee stands in recess subject to the call of the chair.

[Additional prepared statements and questions for the record follow:]

Statement of Karyn Temple Claggett
Acting United States Register of Copyrights
Before the
Subcommittee on the Legislative Branch
Committee on Appropriations
U.S. House of Representatives
Fiscal 2018 Budget Request
May 18, 2017

Mister Chairman, Ranking Member Ryan, and Members of the Subcommittee,

Thank you for the opportunity to submit the United States Copyright Office's fiscal 2018 budget request.

As this Committee has recognized,[1] the Copyright Office undertakes critical work administering the nation's copyright laws for the advancement of the public good and in support of vital segments of the U.S. economy. According to some statistics, in 2015 core copyright industries added more than $1.2 trillion to the U.S. gross domestic product, accounting for 6.88% of the U.S. economy.[2] These industries employed over 5.5 million workers, accounting for 3.87% of the entire U.S. workforce.[3] Against this backdrop, the Office maintains key aspects of the nation's copyright system, which benefits content creators, technology companies, and the public at large.

The Copyright Office manages the nation's copyright registration and recordation systems, each year reviewing hundreds of thousands of claims for copyright and thousands of copyright transfer statements. The Office also administers statutory licensing royalties and distributes hundreds of millions of dollars annually in royalty payments. Office staff process assorted public inquiries on nearly every aspect of copyright law, search and provide certified copies of

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[1] "The Committee fully understands the importance of the Copyright Office as it relates to creativity and commercial artistic activity not only within the United States but also on a world-wide basis." H.R. REP. NO. 114-110, at 16 (2015).

[2] STEPHEN E. SIWEK, COPYRIGHT INDUSTRIES IN THE U.S. ECONOMY: THE 2016 REPORT 2 (2016) (prepared for the International Intellectual Property Alliance).

[3] *Id.* Additionally, the Department of Commerce's Internet Policy Task Force explained the importance of the copyright industries, noting in 2013 that "[t]he industries that rely on copyright law are today an integral part of our economy, accounting for 5.1 million U.S. jobs in 2010—a figure that has grown dramatically over the past two decades. In that same year, these industries contributed 4.4 percent of U.S. GDP, or approximately $641 billion. And the demand for content produced by our creators contributes to the development of the broader Internet economy, spurring the creation and adoption of innovative distribution technologies." DEPARTMENT OF COMMERCE INTERNET POLICY TASK FORCE, COPYRIGHT POLICY, CREATIVITY, AND INNOVATION IN THE DIGITAL ECONOMY 5 (2013) (citations omitted).

Office records, transfer hundreds of thousands of new materials to the Library of Congress, and provide expert legal and policy advice to federal agencies, courts, and Congress.

In fiscal 2016 alone, the Copyright Office registered approximately 414,000 claims to copyright and recorded almost 11,000 ownership-related documents pertaining to nearly 162,000 copyrighted works. The Office collected over $242 million in royalty payments from compulsory licenses and provided certified copies of Office records generating over $600,000 in fees. In addition, the Office answered over 37,000 electronic filing inquiries, 6,500 phone calls, and 6,000 email inquiries per month, and assisted nearly 2,000 in-person visitors.

The Copyright Office also engaged in important and complex legal and policy issues in furtherance of the Copyright Act. Consistent with its statutory mandate, the Office advised Congress on a host of informal legislative inquiries and responded to several formal congressional requests to study a number of copyright issues. Office attorneys also assisted the Department of Justice on various copyright-related matters, including briefing in the Supreme Court. For example, in fiscal 2016, the Office participated in briefing the Supreme Court in *Star Athletica LLC v. Varsity Brands, Inc.*, and *Kirtsaeng v. John Wiley & Sons, Inc.* In the past year and a half, the Office published two comprehensive policy reports, *The Making Available Right in the United States* in February 2016, and *Software-Enabled Consumer Products* in December 2016. The Office also continued ongoing studies on the impact and effectiveness of the safe harbor provisions of section 512 of Title 17 and on the anti-circumvention provisions of section 1201 of Title 17. The Office held a series of public hearings in San Francisco, New York, and Washington D.C., and analyzed nearly 100,000 public comments submitted in connection with these studies.

In fiscal 2017, the Copyright Office issued multiple publications in the Federal Register. The Office published Notices of Proposed Rulemaking on technical clarifications and proposals on supplementary registration and group registration practices. It also issued Final Rules regarding the designation of agents to receive notifications of claimed infringement and removing personally identifying information from the Office's records, and a Notice of Inquiry initiating a study on the moral rights of attribution and integrity.

Finally, the Copyright Office engaged in numerous international initiatives, including serving on intergovernmental delegations to the World Intellectual Property Organization (WIPO) and supporting executive branch agencies in analyzing copyright legislation in other countries. For example, the Office provided the interagency with copyright-related advice on dozens of World Trade Organization (WTO) trade policy reviews and two country accessions to the WTO. In partnership with WIPO, in June 2016 the Office hosted its biennial International Copyright Institute training program for senior copyright officials from twenty-two developing countries.

FUNDING AND OVERALL FISCAL YEAR 2018 BUDGET REQUEST

To conduct its statutorily mandated work, the Copyright Office requests a budget that will enable it to continue to provide high-quality services to the public, Congress, and other federal agencies. This request specifically seeks funding to continue the Office's IT modernization efforts, which the Committee has previously supported, within the context of the Library's broader IT centralization model. It also focuses on targeted staffing needs to maintain and improve efficiencies in registration, public records, public information services, and legal review. With these funds, the Office can better serve the American public at large and continue to support the nation's copyright system.

The Copyright Office administers funds from three separate budgets or program areas: (1) *Basic Budget*, which funds most of the Office's core operations, including the majority of payroll-related expenses. Historically the basic budget has been provided through a combination of appropriated dollars and authority to spend fee revenue, with fees constituting a majority of this funding (generally in the range of 58% to 67%); (2) *Licensing Budget*, which is derived completely from licensing royalty collections otherwise payable to copyright owners and filing fees paid by cable and satellite licensees pursuant to statutory licenses administered by the Office; and (3) *Copyright Royalty Judges Budget*, which funds the Copyright Royalty Board ("CRB")—although the CRB is not a part of the Office, the Office administers its budget on behalf of the Library of Congress.

For fiscal year 2018, the Copyright Office requests a combined total of $72.0 million in funding and 488 FTEs, of which $43.6 million would be funded through authority to expend fees collected in fiscal year 2018 and in prior years.

Specifically, the Office's requests are:

- *Basic Budget*: $64.7 million and the authority to have 458 FTEs. $6.1 million and 22 FTEs of this request are for new initiatives, including funding important IT stabilization and modernization efforts, and staffing to address ongoing operations described further below. As in past years, the Office asks that Congress provide budget authority through a combination of annual appropriations and authority to offset fee revenue. The Office requests that $35.2 million be provided through authority to expend fiscal year 2018 fee revenue and that $2.3 million come through use of unobligated revenue balances of prior years. The Office requests that the remaining $27.2 million come from appropriated dollars.

  Initiatives to be funded through this request include:

  - $3.6 million devoted to Office IT modernization, which would be covered completely by fees collected in FY 2018 or prior fiscal years; and

- $2.5 million devoted to staffing for the Office to conduct registration activities, legal analysis, and administer the Office's public records, repositories, and public information functions.

- *Licensing Division Budget*: $5.7 million, all of which is funded via fees and royalties. The requested increase includes mandatory pay and price-related increases of $.149 million.

- *Copyright Royalty Judges Budget*: $1.67 million in total, with $.08 million to support mandatory pay-related and price level increases. $.41 million (for non-personnel-related expenses) of the total request is offset by royalties. The remainder, $1.26 million in appropriated dollars, is to cover the personnel-related expenses of the Judges and their staff.

FOCUS OF FUNDING REQUEST

The Copyright Office's funding request focuses on two key areas: (1) increased funding for IT modernization efforts; and (2) staffing for the Office's registration, public information, and legal services.

Copyright IT Modernization

The Copyright Office has dedicated itself to modernizing its systems and its administration of the nation's copyright laws. Starting in 2011, the Office began a series of comprehensive and targeted efforts to understand and analyze its IT needs. The Office issued its *Priorities and Special Projects of the United States Copyright Office (October 2011-October 2013)*, which highlighted the need for technological upgrades. Following that kick-off, the Office undertook a comprehensive study of its technological capabilities and needs, which included extensive stakeholder feedback. The resultant 2015 *Report and Recommendations of the Technical Upgrades Special Project Team* acknowledged challenges with the current user experience and with access to the public record and offered recommendations for improvement. Then, based on congressional direction, the Office followed the initial report with a more detailed plan, 2016's *Provisional Information Technology Modernization Plan and Cost Analysis* (*Provisional IT Plan*), which provided concrete ideas about how to move the Office into the modern era.

Subsequent to the *Provisional IT Plan*, the Copyright Office and the Library engaged in extensive, collaborative efforts to identify resource-sharing opportunities that may be achievable through use of the Library's existing or planned future technology resources and support services. Currently, the Library is centralizing the IT functions of the business units, including the Office's IT functions. The Office is requesting fiscal 2018 funds that were developed in coordination with the Library's Chief Information Officer to ensure alignment with the Library's overall IT strategy. The planning for a Library-led strategy for Office IT modernization is ongoing and is expected to result in additional funding requests in future years as these efforts progress. Since responsibilities will be bifurcated between the Library's

Office of the Chief Operating Officer (OCIO), which has primary responsibility for infrastructure, project management, and other aspects of IT management, and the Office, which provides subject matter expertise and manages mission-critical applications, future funding requests related to Office modernization will come from both the Library and the Office.

At the same time, the Copyright Office has been developing a comprehensive plan to modernize its recordation system, and has now reached the final year of planning and analysis activities to bring its recordation systems online. The Office has undertaken significant planning, releasing the Office's Kaminstein Scholar's 2015 report *Transforming Document Recordation at the United States Copyright Office.* By the close of the current fiscal year, the Office will have completed documenting business and technical requirements and related documentation needed for a future state IT system to accommodate online filing and processing of copyright-related documents. Under the shared services protocol, the Office plans to deliver the completed package of planning documentation to the OCIO later this year so that development of the future state system can begin in fiscal 2018.

To significantly advance modernization goals, the Copyright Office is requesting $3.6 million, comprised of fees and one-time budget requests, as referenced above. In addition to continued development of a recordation system, these additional funds will allow the Office to launch the first phase of development of a next generation copyright registration system through a thorough, comprehensive analysis of business requirements. This phase will include requirements gathering, requirements validation, and system design sessions with various copyright industry and user group partners, as well as with Office staff, to ensure that the unique needs and specific requirements of the widest array of user groups are documented and ultimately incorporated into the new registration system. Moreover, the funding is necessary to mitigate identified risks and to ensure that the Office's existing legacy systems remain available and operational until functionality can be more permanently addressed through the Office's and Library's joint modernization efforts. The requested funding also would allow for system monitoring to reduce the risk of system intrusion, proactively identify system issues before they occur, and provide for security enhancements that would evaluate the technical and non-technical security features of existing systems to ensure the systems meet mandated security requirements. The activities in this request are early-phase projects to be undertaken by the Office in what will be a multi-year modernization effort. As the Office and the Library work to deliver these improved technologies on behalf of customers and stakeholders, it is expected that additional requests for funding will be generated.

Copyright Office Staffing

The Copyright Office operates on a very modest budget while providing valuable services to the public at large, copyright owners, technology companies, and the Library itself. For quite some time, the Office has conducted this important work with very limited staff. The Office believes that additional staffing is critical in several core areas to address the expansion in the use of the nation's copyright system, including the need for additional examination capacity,

increased services to copyright stakeholders, and to address increasingly complex policy issues regarding Copyright Act interpretation and administration.

The staffing requests span several areas of the Copyright Office. *First*, the request seeks to add much-needed registration specialists. While the Office has hired specialists in recent years, they must undergo complex, extensive training in the legal examination of copyright applications to properly fulfill their job responsibilities. Thus, adding new registration specialists does not immediately result in reducing application processing times and, in fact, can appear to provide an increase in processing times due to existing specialists taking on training roles for the new employees instead of devoting all of their time to reviewing incoming claims. The Office's request thus seeks fifteen additional registration specialists to provide necessary capacity to reduce turnaround times in the future, while providing for the ongoing training and quality control necessary to better manage workload spikes.

Second, the Copyright Office's request also aims to enhance other areas that support the administration of the copyright system. Specifically, the request would provide additional staff to the Office's small group of legal specialists, who must handle a steadily increasing workload as the copyright landscape evolves in both complexity and volume. Additional staff also would work in the Office's Public Information and Education division, allowing the Office to improve website usability and enhance customer interfaces, and provide expanded service hours for its large community of West Coast customers.

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The Copyright Office greatly appreciates the Committee's consideration of this request and ongoing support for the success of the Office and for the national copyright system.

Statement of Mary B. Mazanec
Director, Congressional Research Service
Before the
Subcommittee on the Legislative Branch
Committee on Appropriations
U.S. House of Representatives
Fiscal 2018 Budget Request
May 18, 2017

Mister Chairman, Ranking Member Ryan and Members of the Subcommittee,

I appreciate the opportunity to present the fiscal 2018 budget request for the Congressional Research Service (CRS). CRS continues to provide legislative support, research, and analysis solely for Congress. In confidential work for individual offices, as well as in reports, seminars, and other products and services available to all offices, CRS maintains the highest standards of accuracy, objectivity, and nonpartisanship.

The Service supports you and your staff through all stages of the legislative process. CRS analysts, attorneys, and information professionals cover the breadth of issues confronting Congress, and adapt quickly to examine new and emerging issues and problems facing the nation. CRS staff assist in analyzing draft legislation, comparing policy proposals and options, and assessing the potential impacts of policy changes. The Service delivers products and services to Congress for hearings, markups, floor debates, conferences, enactments, and oversight of legislation. Moreover, CRS provides those services without advocacy or agenda.

In the last fiscal year, the Service offered Members and staff multifaceted, in-depth support across a wide spectrum of complex and diverse issues, with CRS experts providing more than 62,000 responses to requests for custom research and analysis. By the end of the fiscal year, CRS produced over 3,600 new or updated written products, summarized over 6,000 bills for the legislative digest, and hosted seminars, briefings, and other events for more than 9,200 congressional participants. Consistently over the past several years, CRS has served every Member office and standing committee in the Congress.

FISCAL 2018 BUDGET REQUEST

The CRS budget request for fiscal 2018 is $119,489,000, with almost 90 percent devoted to staff pay and benefits. Given the challenges facing CRS and the extensive support the Service provides to the Congress, this request equitably balances the competing goals of providing the comprehensive services mandated in statute, while recognizing the significant budget challenges facing Congress and the nation as a whole.

BUDGET CHALLENGES

CRS strives to provide Congress with authoritative research and analysis across a wide range of congressional issues. While CRS is committed to maintaining broad analytical expertise and flexibility to address both recurrent and emerging legislative issues, since fiscal 2010, full-time-equivalent (FTE) staffing levels have dropped by 13 percent. During that time, however, the amount and complexity of the Service's work has not diminished. While CRS continues to hire analytical, research, support and managerial staff, the Service is not able to replace staff on a one-to-one ratio. As a result, CRS's ability to provide the breadth and depth of services which Congress has come to rely on may be compromised in the future.

CRS uses as many modern methodologies and technology platforms as available and affordable to increase the efficiency of its services. However, static budgets from year to year erode purchasing power, impacting CRS's ability to maintain current service levels. Since fiscal 2010, CRS's purchasing power has been reduced by almost 16 percent.

Despite continuing efforts to contain costs, including prioritizing hiring research staff over other positions, CRS's analytical capacity has been reduced by 8 percent between fiscal 2010 and 2017. At the same time, the demand for the Service's work has continued. Congressional issue portfolios have been divided among remaining staff to maintain comprehensive coverage of legislative priorities. However, if the fiscal trajectory of recent years continues, CRS may not be able to sustain the level of service currently provided. Specifically, the Service anticipates that:

- the ability of CRS to conduct in-depth research and analysis will be adversely impacted as existing staffing gaps intensify, with the Service facing challenges acquiring necessary new expertise and retaining its invaluable cadre of experienced experts;

- the Service will not be able to effectively procure and utilize new technologies and leverage the increasingly vast amount of data that could provide critical insight for congressional decision making;

- areas of consistently heavy congressional demand, including education, health care, defense, and appropriations will increasingly be impaired by staffing constraints, and the timeliness of responses to requests and of updating research products may be compromised due to expanding staff workloads; and

- the Service's ability to effectively perform all of the functions required by statute may diminish.

FISCAL 2018 PROGRAMMATIC INCREASE REQUEST

In this time of static budgets and lower staffing levels, meeting congressional expectations is growing more challenging for the Service. This challenge is particularly acute in a research

setting characterized by increasingly complex issues, the explosion of data sources, and the fast-moving information environment in which the Congress operates. CRS must be positioned to nimbly navigate these challenges to support a 21st century Congress.

To address CRS's ongoing challenges and to continue to provide the products and services expected by the Congress, CRS is requesting $4.753 million in programmatic increases in fiscal 2018. This request includes $753,000 to support eight not-to-exceed (NTEs) appointments to strengthen research capacity in areas of high congressional demand and $4 million to support an Integrated Research and Information System (IRIS), a needed technology enhancement. This request will help position CRS to manage the challenges ahead and continue to deliver extensive support to the Congress.

To bolster high demand areas, CRS plans to create eight new positions which would be recruited at the GS-11 pay level in NTE 3-5 year appointments. These junior positions would also help with succession planning by establishing a pool of qualified and available talent. CRS is seeking two positions in each of the following high-demand areas: defense policy and budget; health policy; education policy; and budget and appropriations process.

In collaboration with the Library's Chief Information Officer, CRS is requesting funding to establish the Service's next-generation Integrated Research and Information System (IRIS). In fiscal 2018, CRS is requesting $4 million be temporarily added to the base through fiscal 2022, for a five-year investment of $20 million, to modernize legacy IT systems. The current funding level only allows CRS to support operations and maintenance on its existing, aging systems. IRIS will leverage the latest advances in web based technologies to provide an agile and flexible infrastructure that will enable efficient, easy-to-use technologies for rapid deployment and use by CRS staff and Congress. IRIS will support Congress in four key areas: information research; policy and data analysis; content creation; and product delivery. New tools and systems will allow for significant improvements including: enhanced personalization of content and alerts for congressional users; a more effective search engine with faceted search; and new content management and authoring systems that will reduce staff time spent on administrative and production issues and allow for more time to focus on research, analysis and consultative services for Congress.

LEGISLATIVE SUPPORT FOR THE CONGRESS

Research and Analysis

Over the past fiscal year CRS comprehensively supported Congress with legal, economic, policy, and technical analysis, both quantitative and qualitative. This support included examining the nature and extent of domestic and international issues facing Congress; identifying and assessing policy options; assisting with hearings on policy proposals and on implementation of policies; supporting congressional review of nominations and treaties; and

providing products, briefings, and consultations to address pressing issues on the legislative agenda. Here are some examples that highlight these services. .

In many cases, CRS examined perennial issues such as health care, immigration, and defense. In others, the Service's work was driven by specific events. For example, the death of Supreme Court Justice Antonin Scalia raised important questions about the future of the Court. CRS attorneys provided Congress with comprehensive reports to guide lawmakers in filling the Supreme Court vacancy. CRS attorneys also led the preparation of the Constitution Annotated, or CONAN, which is mandated in statute and which provides "essential information" about the United States Constitution and its interpretation by the Supreme Court.

The emergence in the Western Hemisphere of the Zika virus, with its associated birth defects, resulted in a CRS-wide response. CRS provided comprehensive coverage that included technical, legal, policy, and budgetary analysis. For example, analysts and attorneys addressed policy concerns related to the safety of the U.S. blood supply, effectiveness and safety of mosquito control measures, and possible effects on the summer Olympic and Paralympic Games in Rio de Janeiro. Congress repeatedly turned to CRS experts as it deliberated an aid package to support domestic and international efforts to contain the outbreak, including comparing Zika funding requests to monies previously appropriated for the Ebola crisis.

CRS also provided assistance to Congress on water quality issues in a year when lead-contaminated drinking water in Flint, Michigan made national headlines. While much of the focus was on the situation in Flint, CRS addressed broader congressional concerns about the nation's drinking water quality, including issues of funding, health standards, and delegation of statutory responsibility. CRS staff analyzed the technical, health, and budgetary impacts of the situation and offered options to address these issues.

An example of a recurring issue before Congress is the annual National Defense Authorization Act (NDAA). This complex piece of legislation, encompassing more than 1,000 provisions and more than 3,400 pages of legislative text, required a multidisciplinary coordinated approach by over 60 CRS analysts to prepare a side-by-side analysis of the House and Senate bill versions. The Service analyzed the bill's effects on streamlining security cooperation, reforming the defense acquisition process and reorganizing the Department of Defense.

In the last year, Congress continued debate on a variety of health care issues. As Congress examined payments to physicians under the Medicare program, CRS identified and evaluated policy options and potential implementation challenges and briefed Members and congressional staff. CRS experts testified at a congressional hearing on Medicaid financing and supported Congress in its examination of federal funding for reproductive services.

Immigration remained a major focus during the 114th Congress. CRS analysts, attorneys, and information professionals prepared a range of products in response to congressional inquiries

on Supreme Court action related to immigration and resettlement of Syrian refugees in the United States.

The implementation of financial regulations under the Dodd-Frank Act of 2010 and their impact on the economy remains of particular interest to the Congress. Congress has responded with numerous hearings and bills aimed at modifying the law. CRS analyzed the legislative proposals and identified policy tradeoffs.

Foreign policy matters also garnered significant congressional attention. Recent world events potentially create a new global environment that poses novel and unfamiliar challenges to the United States. Through a series of integrated programs, CRS discussed a range of issues including general trends shaping the new international political environment, radical transformation in the Middle East, the future of Europe, and the geopolitics of Asia.

Congress also focused on issues in the turbulent Middle East and North Africa, especially the response to ISIS, as the region experienced ever-deepening crises. CRS provided Congress with in-depth analysis and authoritative information about the international struggle against ISIS and other terrorist groups in Iraq and Syria as well as in Libya, Yemen, and Egypt. In addition, the Service looked beyond the region to Europe and Asia, where ISIS and related threats exist. CRS also offered assessments of the Iran nuclear agreement and the Iran sanctions regime, and evaluated related legislation introduced in Congress.

Research Planning for the 115th Congress

During the annual legislative planning process, CRS has identified more than 150 issues likely to be on the agenda for the 115th Congress. As part of this effort, the Service met with committee staff and congressional leadership to affirm their priority issues. Subsequently, CRS staff prepared new reports and updated existing products to help inform ongoing legislative deliberations.

CRS Programs

CRS continues to provide a range of educational and training seminars and other programs tailored specifically for Members and their staff. The Service recently completed its semi-annual Federal Law Update (FLU), which is now in its 36th year. In addition, CRS currently offers a lunchtime seminar series on disruptive technologies including cybersecurity and gene editing. As noted, last year CRS hosted a series of events on the changing global order.

New Member Seminar

In January of 2017, CRS successfully presented "Legislative Issues and Procedures: The CRS Seminar for New Members." The 2017 New Member Seminar followed a year-long planning effort in collaboration with the Committee on House Administration to select topics and

speakers, coordinate logistics, and help ensure a successful seminar useful to new Members. Attendees were briefed on congressional and budget procedure and a range of topical issues including terrorism, health care, and transportation. In total, 43 newly elected Members attended, representing 77 percent of the 115th Congress's Freshman Class. The seminar was very well received, with 94 percent of attendees rating their experiences as "very good" and the remaining six percent rating their experiences as "good."

MANAGEMENT INITIATIVES

Congressional Satisfaction Survey

Last spring, at the direction of the House Committee on Appropriations, the Library of Congress commissioned an independent survey regarding the products and services provided to Congress by the Library, and especially CRS. CRS led this effort on behalf of the Library, and ensured that a comprehensive final report was delivered to the Committee in conformance with a rigorous schedule. The project provided a unique opportunity to survey Members and their staff to gain updated insights regarding the needs of Congress. The report also serves as an important benchmark to inform ongoing efforts to enhance the quality and efficiency of CRS's service to Congress.

Specifically, the results demonstrated a strong appreciation of and need for CRS services dedicated to Congress. Congressional staff rated CRS very highly on its core values, including confidentiality, nonpartisanship, and objectivity. Respondents expressed a strong desire for continuing the broad range of analytical products and services CRS currently offers. Reflecting the trusted working relationships between congressional staff and CRS analysts, respondents also highly rated the Service's consultative services, including direct telephone and email responses from CRS experts, in-person briefings, and personalized memoranda.

Strategic Planning

In fiscal 2016, CRS began implementing a new five-year strategic plan for 2016 through 2020. Key goals of the plan include expanding the range of products and services in line with the needs of Congress across a diverse clientele, enhancing a dedicated professional workforce to deliver those services, and efficiently and effectively managing resources to ensure that the Service optimally executes its statutory mission. As part of that effort, CRS is comprehensively evaluating operations and research activities to leverage efficiencies and synergies. For example, CRS merged its workforce and finance operations. Furthermore, the Service continues to critically examine other facets of its operations to strategically allocate resources. To strengthen employee engagement, CRS also launched new initiatives on workplace diversity and internal communications.

INFORMATION TECHNOLOGY INITIATIVES

CRS is collaborating with the Library of Congress to consolidate IT operations and services as appropriate. In parallel with that process, in the past fiscal year, the Service launched new products, upgraded software, and made substantial improvements to the CRS.gov website.

Mercury Upgrade

In fiscal 2016, CRS successfully deployed an upgraded customer relationship management (CRM) system. The system, known as "Mercury," stores, manages, and analyzes requests from congressional offices. The upgrade reflects CRS's commitment to ensuring enhanced information security and was responsive to a key priority of congressional oversight committees and leadership offices.

Issue Area Pages

The Service redesigned parts of CRS.gov, the CRS website for Congress, into a series of 23 new issue pages intended to make products easier for congressional staff to discover and use. The new Issue Area Pages more closely mirror the issue portfolios found in congressional offices. They are designed to be a one-place stop for products on specific issues, like defense and healthcare, and to actively promote the full range of CRS products and services for Congress. The implementation of the new pages represents a milestone in CRS website enhancement following the implementation of the initial CRS enterprise taxonomy.

PRODUCT ENHANCEMENTS

In fiscal 2016, CRS launched a new infographic product on CRS.gov. Infographics are intended to present complex information without the need for an accompanying written product. These standalone infographics are distinguishable from the tables, graphs, and other image-based content commonly embedded in CRS written products and supplement those products' text-based analyses. The use of infographics to convey information and analysis has been recognized as a desirable way to communicate complex information. Topics of infographics include "U.S. Military Casualty Statistics," "Trade Promotion Authority (TPA) and U.S. Trade Agreements," "Executive Agreements," and "Economic Effects of the FY2014 Shutdown."

CRS continues to explore additional product formats for presenting information and analysis in ways that meet congressional needs for authoritativeness, accuracy, and brevity. As part of this effort, the Service is developing one-page summaries of CRS reports that will be published as stand-alone products.

CONCLUSION

Congress continues to turn to CRS to provide unparalleled objective, nonpartisan, and confidential research and analysis. CRS remains at your disposal for tailored consultative services and to provide a growing portfolio of congressional distribution products. As guided by statute and the Service's core principles, CRS staff are dedicated to providing timely, authoritative, unbiased information and analysis to assist you in your constitutional duties. However, CRS's ability to continue to provide comprehensive research across the spectrum of complex congressional issues may become increasingly challenging as the Service works to replace departing colleagues, to hire new staff in emerging areas, and to modernize information technology.

I thank you for Congress's steadfast support of, and the trust you place in, the work of the Service. I look forward to working with you to ensure that CRS continues to robustly meet your needs in an increasingly complex and fast-paced legislative environment.

House Subcommittee on Legislative Branch Appropriations
Hearing on the Library of Congress Fiscal 2018 Budget Request
March 18, 2017

Questions for the Record
Chairman Kevin Yoder

INFORMATION TECHNOLOGY MANAGEMENT

Question: In May 2015, GAO made 31 public recommendations to improve the Library's management of information technology (IT). Have you encountered any challenges to implementing the recommendations?

Response: Arguably the biggest challenge in implementing the recommendations has been time and resources. While all of the recommendations were made based on industry and Federal best practices, putting governance architecture in place in order to set the stage for positive change is no small feat. The Librarian's directive to centralize IT resources, both personnel and non-personnel, under the Chief Information Officer (CIO) was a significant help in moving the Library forward to address the recommendations.

Question: In July 2016, the Library became the target of a distributed denial of service network attack that resulted in the disruption of Library services and websites. What steps has the Library taken to mitigate the potential impact of a similar future attack?

Response: Since the July 2016 Distributed Denial of Service (DDoS) network attack, the Library has made significant strides in segmenting the network and limiting the impact from this type of DDoS event. The nature of the July2016 DDoS event was similar in nature to what DYN Networks experienced. This volumetric attack exceeded the Library's inbound ISP bandwidth. To mitigate against this, the Library has enlisted the services of Cloudflare and is currently leveraging their DDOS and content delivery network (CDN) services. The Library has also locked down inbound connection settings and is currently further segmenting the Library's edge network equipment to ensure critical resources like congress.gov are available to the Legislative Branch agencies via CAPNET.

Question: In our fiscal year 2017 House Report we emphasized collaboration between the Copyright Office and the Library's Chief Information Officer when modifying the plan for necessary IT upgrades to the Copyright Office. Please update us on the status of this effort?

Response: The Office of the Chief Information Officer (OCIO) and the Copyright IT staff have been working collaboratively integrate the Copyright Office IT needs into newly developed OCIO processes, including IT planning, project management, agile software development, and systems architecture. Recent enhancements to the Copyright DMCA (OSP) application and OCIO's Content Transfer Services application have been created in direct collaboration with the Copyright Office, ensuring that OCIO services meet the Office's business needs. The Copyright Office has recently been able to take advantage of increased collaboration between information technology teams within the Library. The Copyright Office recently made significant improvements to the Copyright website (copyright.gov), and in doing so the team responsible for those improvements was able to consult with experts in OCIO responsible for loc.gov and congress.gov.

The new copyright.gov site features an improved visual design and information architecture, making the site easier to use, from professionals to Copyright novices. The newly upgraded site also offers a mobile-optimized responsive design that provides users on all devices with a friendly interface. The collaboration

between OCIO and the Copyright Office will continue as the combined team plans and develops the replacement of the legacy systems that support Copyright Recordation, Registration, and Licensing functions with high-performance, scalable systems that provide the enhancements and usability required to support a truly modern Copyright system.

Question: How do the Library's IT modernization plans benefit Copyright?

Response: The Library's drive to implement an improved shared services model will directly benefit Copyright Office via improvements including cloud services, virtualized infrastructure, and increased scalability and availability of systems. OCIO is also modernizing many processes including investment management, agile software development, enterprise architecture, and IT Security.

Question: With regards to IT centralization, how is the Office of the Chief Information Officer ensuring that all customers within the Library are having their IT needs met?

Response: In March 2017, OCIO engaged the services of an IT organizational consulting group to help OCIO design, implement and communicate an IT organizational structure and associated transition plan. The new structure will be designed to operate as a centralized, strategic business that provides superior customer service to each service unit, considering both enterprise and mission-specific IT services. We are expecting to complete the new organizational structure by the end of calendar year 2017. This will facilitate an operating model for centralized IT service delivery and craft a transition plan into the new structure.

As part of this engagement, OCIO interviewed approximately 85 staff comprising the following stakeholder groups: Executive Committee members, OCIO Management, Service Unit IT Management, and IT Customers from Service Units (including Office of the Chief Financial Officer, HR, Office of General Counsel and the Library's Inspector General). The objective was to gain understanding of the overall IT requirements of stakeholders, as well as the opportunities and challenges of using a centralized IT model at the Library.

Based on a detailed analysis of the interview responses, the centralized IT operating model being designed will be adapted from industry best practices for IT service management - the Information Technology Infrastructure Library (ITIL) framework. The new IT operating model will provide OCIO customers well-defined processes to request or provision IT services to meet customer or business requirements at the strategic, operational and tactical levels.

In the centralized IT operating model, Service Level Agreements (SLAs) will govern commodity and enterprise IT services and Memorandum of Understandings (MOUs) will govern mission-specific IT services. Both are industry standard mechanisms that will ensure OCIO is providing IT Services that meet customer expectations.

Within the centralized IT operating model, OCIO will also work collaboratively with customers to ensure all relevant governance requirements are met (e.g., IT Investment Management (ITIM), Enterprise Architecture (EA), IT Security, IT procurements, etc.).

PRIMARY COMPUTING FACILITY

Question: As you know, the Library's current Primary Computing Facility was built in the 1970's, and can no longer provide the level of data center reliability and availability that is needed. We provided $20 million in fiscal year 2017 as a first in a three-year investment of $57.7 million to migrate the Library's primary computing facility to an alternate location. Please update the Subcommittee on the status and

timeline for this project.

Response: The Library received $20 million to begin migrating IT systems from the current Primary Computing Facility (PCF). The Library plans to issue a single solicitation for the entire funding prior to June 19, 2017 with an award prior to September 30, 2017. The first year funding of $20 million will drive Phase 1 of the Library's Data Center Transformation program.

- Year 1 (Phase 1): Select a new data center facility and begin migrating IT Systems from the PCF. Determine best hosting option for each IT system.
- Year 2 (Phase 2): Expand new data center hardware and network, continue migrating IT systems from the PCF. Select Cloud hosting option.
- Year 3 (Phase 3): Complete migrating IT systems from the PCF.

By fiscal 2021, the Library plans to operate its new hosting environments with all production systems fully migrated out of the current PCF.

COPYRIGHT MODERNIZATION

Question: What is the status of the Copyright Office's efforts to address GAO's 2 recommendations on improvements to the Office's current IT environment?

Response: GAO's first recommendation to the Copyright Office was to bring all IT investment resource needs, including fully described IT investment proposals, to the IT Steering Committee for review. Fiscal 2017, the Copyright Office has submitted seven IT investment proposals to the IT Steering Committee (ITSC) for review, which represents the all identified IT resource needs for the Copyright Office. The draft IT investment proposals that the Copyright Office has submitted to the ITSC for fiscal 2018 are comprehensive and consistent with the new Library-wide guidance regarding the ITSC's management and oversight of IT investments. The Library expects this to continue into the future as the Library and the Copyright Office work to implement GAO's recommendations to both entities.

GAO's second recommendation to the Copyright Office was to develop an IT strategic plan that includes the office's prioritized IT goals, measures, and timelines, which is aligned with the Library's ongoing strategic planning efforts. As the Committee is aware, the Copyright Office submitted a provisional IT Modernization Plan in February 2016. In the 2017 appropriation act, the Committee directed the Copyright Office to update that provisional plan to ensure that the Copyright Office was leveraging the Library's IT infrastructure to meet Copyright's modernization needs. As this report is updated, the Copyright Office will ensure that it describes alignment with the Library's 2016-2020 Strategic Plan, and includes the Copyright Office's prioritized IT goals, measures, and timelines. Ideally, the updated Copyright IT Modernization Plan prepared for the Appropriations Committees will serve as the Copyright IT Strategic Plan recommended by GAO.

Question: The Committee's report accompanying the fiscal year 2017 legislative branch appropriations bill directed the Copyright Office, in collaboration with the Library's Chief Information Officer (CIO), to modify the Copyright Office's February 2016 Provisional IT Modernization Plan and Cost Analysis to include cost estimates and a timeline, and to align with the Library's Strategic Plan and IT Strategic Plan. This was also reiterated in the conference agreement. What is the status of this plan?

Response: On May 16, 2017, the Copyright Office and OCIO kicked off a project to update Copyright Office's February 2016 Provisional IT Modernization Plan and Cost Analysis, per instructions from the House and Senate Appropriations Committees. Representatives from both offices are working together closely, along with a contractor to conduct further interviews and analysis, to respond to the Committees'

request and to ensure that the Library has an actionable plan that documents a roadmap for ensuring that copyright patrons are able to access information as seamlessly as possible, and that the Copyright Office is able to rely upon a stable Library IT infrastructure.

Question: What progress has taken place with the funds already appropriated for modernization?

Response: The Copyright Office has dedicated itself to modernizing its systems and its administration of the nation's copyright laws. Starting in 2011, on its own initiative the Office began a series of comprehensive and targeted efforts to understand and analyze its IT needs. The Office issued its *Priorities and Special Projects of the United States Copyright Office (October 2011-October 2013)*, which highlighted the need for technological upgrades. Following that kick-off, the Office undertook a comprehensive study of its technological capabilities and needs, which included extensive stakeholder outreach. The resultant 2015 *Report and Recommendations of the Technical Upgrades Special Project Team* acknowledged challenges with the current user experience and with access to the public record and offered recommendations for improvement. Subsequently, this Committee directed "the Register of Copyrights to report, to the Committee on Appropriation and relevant Authorizing Committees of the House on a detailed plan on necessary IT upgrades, with a cost estimate, that are required for a 21st century copyright organization." Following that direction, the Office expanded upon the initial report with a more detailed plan, 2016's *Provisional Information Technology Modernization Plan and Cost Analysis* (*Provisional IT Plan*), which provided concrete ideas about how to move the Office into the modern era over a five year implementation period. This Committee has since requested that the Copyright Office develop an updated modernization plan based on shared services, and the Office continues to work collaboratively with the Library to ensure alignment with the Library's overall IT strategy.

In addition to the extensive planning and outreach noted above, to date, the Copyright Office has utilized modernization funds as follows:

- **Document Recordation**
  The USCO appreciates the Committee's support for the Office's modernization efforts, which commenced in fiscal year 2015 with $1.5 million in funding to begin the re-engineering of the document recordation function. Using those funds, as well as funding received in each of the fiscal years 2016 and 2017 for the same project, has enabled USCO to complete the recordation gap analysis of business requirements, develop technical requirements, and continue design documentation for the upcoming agile development. Under the Library's centralized model for IT management, the Library's Chief Information Officer will now take the lead on recordation development activities, which are targeted to begin this fall.

In addition to the recordation project, USCO has a number of new and ongoing modernization activities which are utilizing the $9.798 million approved in fiscal year 2017 for modernization including:

- **Searchable Historic Public Records**
  USCO will continue to advance the historical records digitization project. To date, the Office has digitized and migrated to long term storage more than 43 million records and converted the entire 1971-1977 portion of the digitized card catalog into machine-readable text using Optical Character Recognition (OCR) and related technologies. Capturing machine-readable is an important step that will ultimately allow the digitized images to be imported into the USCO online catalog of copyright records with links to the original scanned images. Using the additional fiscal year 2017 funding, USCO will continue the conversion of the digitized records for the 1955-1970 portion of the catalog, and will also work towards building and implementing an online virtual card catalog that will provide access to all of the digitized images in advance of

the full OCR conversion.

- **Technology Staffing**
  USCO is working closely with the Library's human resources staff to accelerate the hire of technology employees who will support the modernization efforts and assist in the maintenance of existing legacy systems until replacements are developed, tested and operative. These employees are expected to be onboard by the end of fiscal year 2017.

- **Data Management**
  The USCO is an office of public record and maintains the world's largest database of copyright ownership. However, a lack of consistent data standards throughout the various copyright industry groups, the limited range of data elements captured and exposed in copyright records, lack of data exchange capability, and other factors related to data management limit the usefulness of Copyright Office records in the digital age. Bulk access, B2B connectivity, fine granular search capability, interoperability with private databases and the like will enable stakeholders large and small to make better use of Copyright Office records for a variety of purposes including facilitating transactions within and among core copyright industries that contribute over $1 trillion to national GDP. USCO is working with the Library's contracting staff to award a contract for assistance in developing a plan and strategies for the management of the Office's vast array of data. This contract is part of USCO's proactive approach to planning for technology changes and how those changes impact data vulnerabilities and standards.

- **Hardware and Software Upgrades**
  USCO is in the process of procuring testing and system redundancy tools to reduce the risk exposure of legacy systems during the modernization phases. Those tools are expected to be in place by the end of fiscal year 2017.

COPYRIGHT OFFICE

Question: What do you think are the contributing factors in the difference between Patent and Trademark Office and Copyright Office are in terms of number of records processed?

Response: The United States Copyright Office (USCO) registers copyrights on behalf of creators and rights holders and also provides recordation services to document changes in the ownership of those copyrights. Although USCO and United States Patent and Trademark Office (USPTO) recordation functions have a similar objective, USCO's recordation process remains a labor-intensive, paper-based process that involves recordation staff manually inputting paper submissions into an internal system. These submissions can sometimes contain thousands of titles of copyrighted works, requiring hours of data entry. Conversely, USPTO's recordation assignment system, which similarly tracks patent and trademark ownership information, is fully automated (although the USPTO continues to allow some paper filings), allowing for faster processing times by equal numbers of people.

USCO fully appreciates the need to modernize its recordation process to enable electronic processing of recorded documents, and has engaged in comprehensive study (including the use of a report that solicited public comments) of how to modernize the recordation system, with a plan to develop a system of accepting electronic recordation filings via online submission. The Office's modernization goals will greatly streamline the entire recordation process (which currently take an average of 16 months), as will new proposed rules to address electronic submission, acceptance of electronic signatures, bulk-upload of documents that contain a large number of works, and online payment. USCO looks forward to implementing its proposals, subject to public comment, and bringing recordation into the modern era, which will make the process much more efficient.

Question: What is the Copyrights Office current backlog for copyright registration?

Response: The United States Copyright Office (USCO) had 314,485 workable registration claims on hand as of May 20, 2017, which is a total backlog of 164,485 claims (USCO traditionally has considered its backlog of workable claims to be any number in excess of 150,000). The backlog derives from a number of considerations, not the least of which is a low level of staffing due to budgetary constraints and attrition of the most seasoned specialists. USCO has, however, been making progress in reducing the backlog in recent months, with the number of workable claims steadily decreasing over the past few months. The Office has taken a number of steps to decrease the backlog; including hiring dozens of new specialists (though not yet up to the previous number employed), using targeted overtime, and conducting a holistic review of practices and technology matters to further reduce the backlog in the future.

Question: Do you agree with the assertion that greater autonomy would allow the Copyright Office to improve their processes and modernize their operations?

Response: The Copyright Office has and will continue to operate in an autonomous fashion in the advice it provides to Congress and the service it gives to its customer base and stakeholders.
In terms of modernization, however, the Copyright Office has the opportunity to benefit significantly from the shared resources of the Library's overall IT infrastructure. The Copyright Office is working collaboratively with the Library's Chief Information Officer (CIO) to update the Office's IT strategic plan presented to Congress last winter. While the Library's CIO focuses on the infrastructure improvements necessary to fortify the IT of all service units – such as security enhancements, storage, investment planning and other fundamentals – the Copyright Office team can turn its focus to specialized needs that will improve the Office's services. This will reduce considerably the projected time for the Office to reach its IT modernization goals.

Question: How much does the Library benefit from collections derived via Copyright Deposits?

Response: At the core of the Library's collection is an astounding accumulation of American knowledge and creativity – books, periodicals, newspapers, music, maps, photographs, motion pictures and materials in other formats. This unsurpassed collection of Americana has largely been built through Copyright Office deposits. While the Library benefits from Copyright Deposit most directly by directly selecting items for its collections or offering items to partners in exchange for other needed materials, it is able to share some of that benefit with domestic libraries by making remaining materials part of the Library's surplus book program and offering them for their collections at no cost.

The Library builds its collection with copyright receipts, which arrive through either registration or mandatory deposit. In total, over the last five years (2012 - 2016) over three million items were transferred to the Library from the Copyright Office and in 2016 alone the items transferred had an estimated value of $35.6 million. Over the last 5 years (2012 - 2016) about 1.43 million items transferred via copyright registration, an average of about 287,000 items a year. Because these items arrive unsolicited, a smaller percentage of them are selected for the collections, with non-selected items offered to exchange and surplus partners. During the same time period (2012 - 2016) about 1.8 million items were transferred via mandatory deposit, an average of about 359,000 items a year. Because these demands are initiated by Library staff to meet known needs in the collections, a very high percentage of these highly valued items are placed into the collection.

CONGRESSIONAL RESEARCH SERVICE

Question: What impact would providing free public access to CRS reports place on your agency?

Response: The impact on CRS from public access to our reports and other CRS products is difficult to predict, and may depend on the specifics of how those reports were provided. For example, the impacts would vary if CRS were required to establish and maintain a clearinghouse of reports, vs. submitting reports to another entity for their publication (e.g., Government Printing Office or the Committee on House Administration). Additional staff time would be required to prepare products for public use. For example, we would likely need to remove staff contact information from public reports, and prepare additional metadata for the report website.

In addition, there may be unintended consequences as well as benefits, including:

- The potential change over time in the mission and focus of CRS as a result of widespread public access, including the diversion of CRS analysts and attorneys from performing work solely for Congress.
- Intensified partisan and special interest pressure on CRS.
- Impairment of Member communications with constituents – putting CRS between Members and the information they want to share with constituents.
- Increased costs to CRS as a result of public distribution – both to allow publishing and to manage an increased public expectation for responsiveness.
- Greater public support and understanding for the work of CRS.

Advocates of making CRS products directly available to the public state that public release may result in the public being better informed about the major public policy issues of the day; that taxpayers would have immediate and direct access to the work of CRS; and that sites that currently sell CRS products would no longer be able to do so, as official release to the public would make products free to all.

Question: Would this limit your ability to provide service to Congress?

Response: By the end of fiscal 2016, the Service offered Members and staff multifaceted, in-depth support across a wide spectrum of complex and diverse issues, with our experts providing more than 62,000 responses to requests for custom research and analysis. By the end of the fiscal year, CRS produced over 3,600 new or updated written products, summarized over 6,300 bills for the legislative digest, and hosted over 270 seminars, briefings, and other events for more than 9,200 congressional participants.

Widespread public access to CRS reports could cause analysts to become more conscious of the need to address views, methods, disciplines, and expectations of a non-congressional audience, and thereby shift the emphasis of research products away from their current focus on a congressional audience. Another possible outcome is that a large public reaction could be generated by CRS reports, especially on controversial topics, and CRS would be compelled to respond, thereby diverting effort from the single CRS mission of direct service to Congress in support of its legislative responsibilities. CRS would have to adopt new policies and procedures and dedicate additional resources to ensure that Congress remains the primary focus for CRS work, and to mitigate the impact that an increased public profile would place on the Service and its experts.

Question: Do you think this free access to the public puts at risk constitutional Speech or Debate protections that are recognized by the courts and which have provided Members protection for their research request and for CRS's legal and policy analysis?

Response: CRS's confidential relationship with Congress is crucial to its ability to best serve the institution. If Members lose trust that their interactions with CRS will be held in confidence, they may not utilize the Service to inform their legislative decision making.

There is no established consensus among legal experts on whether a court would uphold the Speech or Debate privilege if CRS is seen as a direct provider of its publications to the general public. The loss of CRS's Speech or Debate immunity could have a number of consequenees for both the Service and Congress, including:

CRS analysts would potentially be required to publicly testify regarding their work for Congress, to include their conversations with Members and staff;

- CRS research, including background notes and observations, may be included in court discovery processes; and
- The General Counsel for the House of Representatives and the Senate Legal Counsel may be required to expend significant additional time and resources in defending CRS against judicial and administrative proceedings.

Question: Do you think providing free and comprehensive access to CRS reports transforms CRS's role as the research arm of the Congress to a regular publisher/provider of reports to the public?

Response: It might. Over time, CRS may be viewed more as a provider of reports to the public and not as the exclusive resource to Congress. CRS would need to seek guidance and interpretation from the Congress as to the intent of Members in making produets public.

Question: Do you think widespread public dissemination increases partisan or speeial interest pressure on CRS as groups or lobbyists try to influence research and analysis?

It may. As stated above, widespread public access to CRS reports could cause analysts to become more conscious of the need to address views, methods, disciplines, and expectations of a non-congressional audience, and thereby shift the emphasis of research products away from their current focus on the congressional audienee. It may also create the expectation that CRS staff would meet with special interest groups.

Question: How much would this added responsibility cost CRS?

Response: A wide range of variables, both anticipated and unanticipated, could affect final costs. There would be start-up costs relating to hardware/software procurement, as well as costs for ongoing operation and maintenance. If Congress decides to make CRS reports available to the public through another site, some number of technical staff would also be required for a limited time to reconfigure how CRS products are produced. For example, we would need to generate additional metadata to ensure that products are searchable on a site such as GPO.gov. There may also be a long term need for additional staff at CRS to respond to public inquiries about its products, so that CRS experts can maintain focus on their work for Congress.

GALLUP SURVEY

Question: Can you give us a sense of any lessons learned from last year's Gallup survey of Congressional offices regarding CRS and Library Services to Congress?

Response: The House Committee on Appropriations directed the Library of Congress to undertake a survey of the Congress to ascertain their fundamental and optimal service requirements, especially from the Congressional Research Service (CRS). The Library contracted with the Gallup organization to perform an independent survey of Members, committee and congressional staff.

CRS Lessons Learned

As noted in the testimony, the results demonstrated a strong appreciation of and need for CRS services dedicated to Congress. Over 95% of congressional staff rated CRS highly on its core values, including confidentiality, nonpartisanship, and objectivity. A strong majority of congressional staff were familiar with CRS, and a majority were "very or extremely familiar." Most Members responding said they rely on CRS for research or analysis "often" or "very often." Almost nine out of ten respondents (88%) said they used the services provided by CRS.

Reflecting the trusted working relationships between congressional staff and CRS analysts, respondents also highly rated the Service's consultative services, including direct telephone and email responses from CRS experts, in-person briefings, and personalized memoranda. By and large, our heaviest users are staffers holding a policy or legislative position. In the 114th Congress, 99% of policy/legislative staff respondents, and 95% of chiefs of staff and legal counsels, reported using at least one CRS service. More than 90% of staff used a wide range of CRS services, including deep policy or legal analysis, legislative histories, bill summaries, and introductions to policies, topics, or issues.

Actions taken by CRS in response to lessons learned

The Gallup survey validated the CRS mission to deliver timely, objective, nonpartisan research and analysis to its congressional clients. Achievement of its mission becomes increasingly challenging as CRS seeks to provide these services within the constraints of static annual budgets. As noted in the Director's testimony, CRS's ability to provide the full spectrum of services which Congress expects may be limited in the future.

To maintain and improve service to Congress, CRS is requesting two programmatic increases in the fiscal 2018 budget submission. The first request seeks $753,000 to fund eight entry-level positions targeted toward areas of high congressional demand. Approval of this request would allow CRS to position these staff to answer basic questions and provide policy information. This would free up senior staff to concentrate on the more sophisticated, in-depth policy and legal analysis, and consideration of potential implications, requested by the Congress.

The second request seeks a temporary addition of $4 million over the next five years to replace and improve outdated legacy IT systems. This would allow CRS to improve authoring and publishing, and expand delivery of services and reports, including online, on-demand training and seminars. It would also allow CRS to capture its work product in a digital, searchable format, hence creating the Service's institutional memory.

Library Services Lessons Learned

The following are the principal lessons learned from Gallup's survey of the attitudes of members of Congress, and their staffs, with regard to the services provided to them by Library Services (LS).

The most significant services that LS provides to the Congress are well known to members and their staffs. Specifically, 70% of respondents were slightly of moderately familiar with checking out printed books or E-books; 64% were slightly or moderately familiar with taking part in the Surplus Books Program; 69% were slightly or moderately familiar with requesting or attending displays, exhibitions and other special events at the Library; and 65% were slightly or moderately familiar with participating in the Veterans History Project. For the same categories of services, respondents were very or extremely familiar with them 22%, 18%, 25%, and 14% of the time, respectively.

It is notable that while only 11% of respondents said they were very or extremely familiar with the LS service unit, and 24% said they were unfamiliar with it, between 65% and 70% of respondents said they had taken advantage of Library Services programs; and 45% of the staffers surveyed said they had taken advantage of at least one LS service during the 114th Congress. Therefore, one may conclude that while there is evidently relatively weak name recognition when it comes to LS, congressional engagement with its services is quite high.

Another important lesson learned is that there is a major discrepancy between staffers' engagement with LS services that is based on where they are located. Specifically, 61% congressional staffers based in Washington, DC, reported that they had used at least one LS service during the 114th Congress, compared to only 25% staffers based in state/district offices.

With regard to respondents' valuation of the relative importance to them of the various services provided by LS, checking out books received the highest rating. 25% said this service was essential.

One indicator of respondents' level of satisfaction with the services provided by LS was that 76% stated they would recommend these services to colleagues.

Actions taken by Library Services in response to lessons learned

The survey was also beneficial to LS because it illuminated certain deficiencies in the services it provides to Congress. As a consequence, the service unit has already initiated efforts to improve its services in the following ways:

- Improved the accessibility of the Library's collections to congressional staff by increasing the number of books available through the Overdrive E-book service;
- Made physical books more retrievable by processing all newly received books at the Cabin Branch high-density storage facility instead of placing them in other storage areas; and
- Initiated planning for a reorganization that will place the book loan program, including the Congressional Loan Program, in an organizational unit that will enable direct public service to be more dynamic and efficient.

COLLECTION STORAGE

Question: What efforts have been made to address the known collection storage issues?

Response: The Library is taking steps to reevaluate its selection and retention criteria. The Library revises its 70 Collections Policy Statements (CPS) on a cyclical basis; these documents describe the scope and breadth of collecting in critical areas, updating them ensures that collecting practice continues to meet current needs. To reduce the number of copies in the collection, with the introduction of a revised

collections policy in 2014, the Library retains only one copy of most new U.S. monographs received for the general collections and existing additional copies already in the general collections are selectively considered for withdrawal. In fiscal 2016, 100,369 volumes were withdrawn from the general collections as part of the program.

The Library has increased the efficiency of current storage spaces by increasing the number of volumes that can fit on a shelf, or the number of shelves that can fit in a given space. To maximize storage capacity on Capitol Hill, the Library implemented a program to shelve selected categories of newer books by fixed location order rather than by subject classification. In fiscal 2016, the Library shelved 419,526 items using this arrangement. In addition, in areas that are structurally suitable the Library is replacing fixed shelving with movable or compact shelving, which increases the amount of space available for shelves. There are multiple compact shelving installation and replacement projects in process in the James Madison Building. Consolidation of the newspaper microform collection on standard shelves within LM-B29 allowed the complete vacation of LM-131; in that room, after some construction activities are completed; compact shelving is scheduled to be installed in late fiscal 2017 which will give additional collection storage space to the Manuscript Division. The contract was awarded in late fiscal 2016 for replacement of 13,000 linear feet of compact shelving in the Manuscript Division's Stack 5, and installation of new compact shelving for Music division collections in LM-G15 began in January with completion anticipated by mid-2017. The Law Library continues process of replacing moveable shelving in Quad A with modern compact shelving; while this is a replacement rather than new shelving the project addresses known safety issues, removes an end of life system, and allows the Law Library to fully use all shelves for the first time in years.

More collections are being stored in improved conditions, due to the increased amount of permanent and interim storage. Construction on Fort Meade Module 5 began in October 2015; occupancy is anticipated in late 2017. The Architect of the Capitol (AOC) received fiscal 2016 funds to cover the costs of designing Module 6 that will be twice the size of Module 5; design submission documents have been delivered and cost estimate documents are scheduled for delivery in by mid-2017. In addition, the Library has worked with AOC to procure and prepare interim leased storage space. In late fiscal 2015, AOC obtained on behalf of the Library a lease for five years with options to extend a 50,030 square-foot space in the Cabin Branch Distribution Center. By late fiscal 2016 tenant improvements and shelving installation were complete, and both palletized collections and boxed books began being loaded into the facility. As of late spring 2017, 475 pallets have been relocated from the Landover Annex (all of the pallets that were identified for this move) and 150,000 volumes moved from Capitol Hill.

Question: In the AOC budget, Module 6 is priced at $45 million. Why is the cost of Module 6 higher than those already constructed?

Response: Module 6 will provide a 'double-sized' module to meet the Library's ever growing collection storage needs, which increases the basic construction costs. In addition, site work must include updated State of Maryland Department of Environment's storm water retention requirements, dramatic drops of the topography, extension and relocation a large sanitary sewer line, extension and relocation the fire water distribution system, extension and relocation the first-responder perimeter circulation road around the buildings, and relocation of the AOC's historic stoneyard. With results from a recent Site Orientation Study, the Library has decided for operational reasons to continuing building future Modules in the same western direction until the completion of Module 7; future Modules 8 and 9 will be built east of Module 1. This dictates that the system extensions and relocations listed above only need to surround and support the completion of Module 7. These costs are included in the Module 6 project. These systems will be complete and will not be included in the future Module 7 construction budget request.

NATIONAL LIBRARY SERVICE

Question: Consistent with findings in a GAO report requested by this Subcommittee that the National Library Services for the Blind and Physically Handicapped (NLS) could provide braille materials in a modern and potentially more cost-effective way, in 2016 Congress authorized the NLS to provide readers for electronic braille. Please update us on the progress of this program.

Response: NLS–and the entire Library of Congress—are constantly working to improve the services provided to blind and physically handicapped patrons. While electronic braille readers represent a great opportunity to profoundly alter how NLS delivers braille content to patrons, eReaders also represent a significant adjustment in how NLS manages its equipment program. To ensure that the Library can successfully leverage this new technology, NLS is implementing a two-phased pilot program that will test the rollout, use and impact of braille eReaders with NLS patrons.

The first phase, which is scheduled to begin August 2017, is a cooperative effort between NLS and the Perkins Library for the Blind in Massachusetts that will test the impact of distributing eReaders on a NLS network partner. Perkins will purchase 200 braille eReaders and distribute them to patrons they serve. NLS and Perkins will gather information on the experience from the perspectives of both Perkins and their patrons, including the need for technical support, ease of use of the eReader, required upkeep and maintenance, and related topics. The pilot is expected to last for six months and to provide NLS with a solid foundation for implementing a larger roll-out in the second phase.

During the second phase, which is expected to begin in the third quarter of fiscal 2018, NLS will purchase up to 2,000 braille eReaders which will be distributed to eight NLS network libraries. NLS is budgeting $1 million from fiscal 2018 appropriated funds to support this acquisition. NLS and the participating libraries will track eReader usage, media distribution, technical support, upkeep and maintenance, and related issues to ensure that a full-scale roll-out will be successful and sustainable.

If the pilot program is successful and funding is available, NLS plans to normalize the use of braille eReaders across its full network for its braille-reading patrons in 2019.

SERVER CONSOLIDATION

Question: In May 2015, GAO made 31 public recommendations to improve the Library's management of information technology (IT). Have you encountered any challenges to implementing the recommendations? Other (federal) government agencies have found that consolidating computer servers onto a smaller set has freed up capital for IT priorities, including hardware and licensing savings. In what areas does Library of Congress plan to pursue server consolidation?

or

We understand that Library of Congress, like many other agencies, is looking to reduce infrastructure costs to support its many critical and important programs including the Copyright Office and Congress.gov. Has the library explored reducing its infrastructure down to a more integrated and consolidated solution to reduce their hardware footprint?

Response: The Library currently has an approximately 90% virtualized server environment. Our strategy is to implement a hybrid solution of multiple hosting environments including:
Library data centers, private cloud, managed colocation services, externally managed solutions platform-as-a-service (PaaS) and software-as-a-service (SaaS), and public cloud infrastructure-as-a-service (IaaS). This strategy, leveraging Federal government and commercial best practices, will help the Library make appropriate decisions about enterprise data center facilities, servers, and applications, within an infrastructure strategy that addresses cost-effective options for modernizing, relocating or outsourcing existing services hosted on Library servers. The hybrid approach will be underpinned by an agile IT operating model able to rapidly move workloads between these environments as business needs and costs of service evolve.

CLOUD COMPUTING

Question: Cloud Computing is receiving lots of attention, but government agencies have chosen may different paths on the road to Cloud Computing. What investments does LOC think are appropriate to lay a strong and stable foundation for its own path to the cloud?
If cloud computing technology is imminent in LOC's future, will it be important to have that information be utilized in both on the cloud and on premise -- a Hybrid environment so to speak?

Considering the huge amount of data that LOC collects and stores, new cloud-based storage services provide excellent economics, acceptable performance for archival data, and new storage-as-a-service consumption models. Is LOC considering such cloud services, either hybrid or public cloud?

Response: The Library will seek efficiencies wherever possible and cloud computing is one option. We have adopted a cloud first strategy and currently have a cloud presence that supports several service units. We are currently in the process of conducting an application rationalization to identify applications that could be more cost effective if moved to the cloud. In support of the PCF migration, in Q1 FY 2018 we will be analyzing all Library IT systems and applications to identify appropriate target hosting

environments based on business and technical requirements as well as operational costs. Additionally, we are analyzing the cloud for data storage for our presentation and archival data to reduce the storage footprint in our data centers. This strategy would allow the Library to retain the preservation data on premise and presentation data in the cloud for customer access. This would also enhance our disaster recovery strategy.

BIG DATA

Question: Big Data has drawn attention to the explosive growth in sets of unstructured and semi-structured information. How will Big Data affect the LOC mission, and what investments are appropriate to fulfill that mission?

Response: The Library is currently developing a digital strategy to identify a digital strategy framework by September of 2017 which will set the stage for the full digital strategy. We have engaged an outside consultant to identify possible frameworks and will use the selected framework to write a digital strategy document that reflects the Library's highest-priority digital vision for the future within the context of a new strategic plan. This digital strategy will support the future of Big Data at the Library. It is important to note that Big Data is already affecting the Library of Congress in important ways. Through several collecting programs, we have amassed over a petabyte of structured and unstructured data in the collections. The Library of Congress currently offers dataset downloads for two large programs (newspaper pages and catalog records) which will ultimately be centralized into a data offering for our main website. The Collections Development Office has begun drafting a data set supplementary guideline to our Digital Collecting Plan which will codify the practice and plans for the next few years. This activity will require substantial investment in both storage and delivery infrastructure and Digital Library services. We continue to address these needs as a part of the ongoing investment planning practice in OCIO.

AVAILABILITY/DISASTER RECOVERY

Question: "As federal computing resources are increasingly being required on a 24x7 basis, what initiatives is the LOC pursuing to meet that demand in terms of higher levels of availability?"

Response: The Library has taken significant steps to bolster availability of IT services including:

- Enhancing the Alternate Computing Facility (ACF) with new security tools and backup appliances
- Implementing a cloud content delivery network (CDN) service to improve availability of web content
- Establishing an IT Business Continuity and Disaster Recovery (BCDR) program to mature continuity planning

As a result, in July 2016 we successfully conducted the largest IT Disaster Recovery exercise the Library has ever undertaken by failing over most critical IT systems to the ACF. During periods of high usage and maintenance, the Library now uses the ACF to support Congress.gov availability. Finally, by focusing resources in a BCDR program, the Library is accelerating its schedule by nine months to implement a GAO recommendation to improve IT contingency planning.

The Library is also transitioning its current legacy Primary Computing Facility to a hybrid hosting model, which will allow the Library to operate a modernized IT infrastructure with increased availability. While these changes have enhanced data facilities and IT systems, it does not improve personnel support. It should be noted that the Library is **not** currently resourced with adequate **personnel** to support 24x7 IT operations. Support for out-of-hours is currently performed by daytime staff that are on-call for emergencies.

DAVITA VANCE-COOKS
Director
U. S. Government Publishing Office

Prepared Statement before the Subcommittee on Legislative Branch Appropriations Committee on Appropriations U.S. House of Representatives

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On GPO's Appropriations Request For FY 2018

May 2017

GPO

U.S. GOVERNMENT PUBLISHING OFFICE
732 North Capitol Street, NW
Washington, DC 20401-0001

Keeping America Informed | OFFICIAL | DIGITAL | SECURE
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Mr. Chairman and Members of the Subcommittee on Legislative Branch Appropriations, I am pleased to present the appropriations request of the U.S. Government Publishing Office (GPO) for FY 2018.

THE U.S. GOVERNMENT PUBLISHING OFFICE

GPO is the OFFICIAL, DIGITAL, SECURE resource for producing, procuring, cataloging, indexing, authenticating, disseminating, and preserving the official information products of the Federal Government.

Under Title 44 of the U.S. Code, GPO is responsible for the production and distribution of information products for all three branches of the Government, including the official publications of Congress and the White House, U.S. passports for the Department of State, and the official publications of other Federal agencies and the courts. Once primarily a printing operation, we are now an integrated publishing operation and carry out our mission using an expanding range of digital as well as conventional formats. In 2014, Congress and the President recognized this change in P.L. 113-235, which contains a provision re-designating GPO's official name as the Government Publishing Office. We currently employ about 1,700 staff.

Along with sales of publications in digital and tangible formats to the public, we support openness and transparency in Government by providing permanent public access to Federal Government information at no charge through our Federal Digital System (FDsys, at **www.fdsys.gov)** and its newly introduced successor system govinfo (**www.govinfo.gov**). Today these systems make more than 1.6 million Federal titles available online from both GPO and links to servers in other agencies. In 2016 FDsys averaged nearly 40 million retrievals per month. We also provide public access to Government information through partnerships with 1,148 Federal, academic, public, law, and other libraries nationwide participating in the Federal Depository Library Program (FDLP).

In addition to GPO's Web site, **gpo.gov**, we communicate with the public routinely via Facebook **facebook.com/USGPO**, Twitter **twitter.com/USGPO**, YouTube **youtube.com/user/gpoprinter**, Instagram **instagram.com/usgpo**, LinkedIn **linkedin.com/company/u.s.-government-printing-office**, and Pinterest **pinterest.com/usgpo/**.

History From the Mayflower Compact to the Declaration of Independence and the papers leading to the creation and ratification of the Constitution, America is a nation based on documents, and our governmental tradition since then has reflected that fact. Article I, section 5 of the Constitution requires that "each House shall keep a journal of its proceedings and from time to time publish the same." After years of struggling with various systems of contracting for printed documents that were beset with scandal and corruption, in 1860 Congress created the Government Printing Office as its official printer. GPO first opened its doors for business on March 4, 1861, the same day Abraham Lincoln was inaugurated as the 16th President.

Since that time, GPO has produced and distributed the official version of every great American state paper and an uncounted number of other Government publications, documents, and forms. These documents include the Emancipation Proclamation, the legislative publications and acts of Congress, Social Security cards, Medicare and Medicaid information, census forms, tax forms, citizenship forms, passports, military histories ranging from the *Official Records of the War of the Rebellion* to the latest accounts of our forces in Afghanistan, the *9/11 Commission Report*, Presidential inaugural addresses, and Supreme Court opinions. GPO's work to keep America informed goes on today, in both digital as well as print forms.

Strategic Vision GPO is transforming from a print-centric to a content-centric publishing operation. Our implementation of a digital transformation is consistent with the recommendations submitted by the National Academy of Public Administration (*Rebooting the Government Printing Office: Keeping America Informed in the Digital Age*, January 2013) regarding our transition to a digital future.

GPO is developing an integrated, diversified product and services portfolio that focuses primarily on digital. At the same time, we recognize that some tangible print will continue to be required because of official use, archival purposes, authenticity, specific industry requirements, and segments of the population that either have limited or no access to digital formats, though its use will continue to decline.

Strategic Plan Our strategic plan, which is available for public review at gpo.gov/about, is built around four goals: satisfying our stakeholders, offering products and services, strengthening our organizational foundation, and engaging our workforce. The plan provides the blueprint for how GPO will continue to achieve its mission of Keeping America Informed with an emphasis on being OFFICIAL, DIGITAL, SECURE. GPO's senior managers convene at the beginning of each fiscal year to review the plan and approve the Annual Performance Plan, also available at **gpo.gov**.

Our customers are involved in the digital world and understand technological change. Accordingly, it is important that we foster an environment that embraces change and innovation, which leads to new ways of thinking, new work processes, and the development of new products and services for our customers. Tangible printing at GPO is being supplanted by an exponential growth in digital requirements by Congress and Federal agencies. Moreover, the public — including the library and Government information user communities — has signaled its strong desire for increased access to Government information digitally.

In transforming the way we do business, we are focusing on managing content for customer and public use both today and tomorrow. GPO uses its extensive experience and expertise with digital systems to provide both permanent public access to Government information in a variety of formats and the most efficient and effective means for printing when required, all within a secure setting that is responsive to the customer's needs.

GPO AND CONGRESS

For the Clerk of the House, the Secretary of the Senate, and the committees of the House and the Senate, GPO publishes the documents and publications required by the legislative and oversight processes of Congress in digital and tangible formats. This includes the daily *Congressional Record*, bills, reports, legislative calendars, hearings, committee prints, and documents, as well as stationery, franked envelopes, memorials and condolence books, programs and invitations, phone books, and the other products needed to conduct the business of Congress. We also detail expert staff to support the publishing requirements of House and Senate committees and congressional offices such as the House and Senate Offices of Legislative Counsel. We work with Congress to ensure the provision of these services under any circumstances.

Today the activities associated with creating congressional information databases comprise the majority of the work funded by our annual Congressional Publishing Appropriation. Our advanced digital authentication system, supported by public key infrastructure (PKI), is an essential component for assuring the digital security of congressional publications. The databases we build are made available for providing access to congressional publications in digital formats as well as their production in tangible formats.

GPO's congressional information databases also form the building blocks of other information systems supporting Congress. For example, they are provided directly to the Library of Congress to support its **Congress.gov** system as well as the legislative information systems the Library makes available to House and Senate offices. We work with the Library to prepare summaries and status information for House and Senate bills in XML bulk data format. We are also collaborating with the Library on the digitization of historic printed documents, such as the *Congressional Record*, to make them more broadly available to Congress and the public.

GPO AND FEDERAL AGENCIES

Federal agencies are major generators of information in the United States, and GPO produces their information products for official use and public access. Federal agencies and the public also rely on a growing variety of secure credentials that we produce, including travelers holding U.S. passports, members of the public who cross our borders frequently, and other users. Our digital systems support key Federal agency publications, including the annual *Budget of the U.S. Government* and, most importantly, the *Federal Register* and associated products. As it does for congressional documents, our digital authentication system, supported by public key infrastructure (PKI), assures the digital security of agency documents.

Partnership with Industry Other than congressional and inherently governmental work such as the *Federal Register*, the *Budget*, and security and intelligent documents, we produce virtually all other Federal agency information products via contracts with the private sector printing and information product industry issued by our central office and regional GPO offices around the country. In 2016, this work was valued at approximately

$360 million, an increase of 6.5% over the previous year. More than 9,000 individual firms are registered to do business with us, the vast majority of whom are small businesses averaging 20 employees per firm. Contracts are awarded on a purely competitive basis; there are no set-asides or preferences in contracting other than what is specified in law and regulation, including a requirement for Buy American.

This partnership provides significant economic opportunity for the private sector. We have long advocated that where Federal agency printing is required, this partnership is the most cost-effective way of producing it. In 2013, the Government Accountability Office conducted a study at the request of the Joint Committee on Printing that identified approximately 80 Federal printing plants still in operation government-wide (**http://www.gao.gov/assets/660/655936.pdf**). Additional savings for taxpayers could occur if the work these plants are producing is transferred instead to GPO's shared services partnership with the private sector printing and information product industry.

Security and Intelligent Documents For nearly a century GPO has been responsible for producing the U.S. passport for the Department of State (DOS). At one time no more than a conventionally printed document, the U.S. passport since 2005 has incorporated a digital chip and antenna array capable of carrying biometric identification data. With other security printing features, this document — which we produce in Washington, DC, as well as a secure remote facility in Mississippi — is now the most secure identification credential obtainable. In 2016, GPO produced 20,199,550 passports, an increase of 32.9% from the year before. Over the past decade GPO has produced more than 140 million passports for DOS. Throughout 2016, we continued with facility changes and equipment installation and testing in support of the planned next generation passport.

Since 2008, we have also served as an integrator of secure identification smart cards to support the credentialing requirements of Federal agencies and other Government entities. We have been certified by the General Services Administration (GSA) to graphically personalize Homeland Security Presidential Directive 12 (HSPD-12) cards for Federal agencies. GSA certified that we comply with Federal Information Processing Standard 201, which sets requirements to ensure that identification cards are secure and resistant to fraud.

To date, we have produced more than 12.9 million secure credential cards across 10 different product lines. Among them are the Trusted Traveler Program's (TTP) family of border crossing cards — NEXUS, SENTRI, FAST, and Global Entry — for the Department of Homeland Security (DHS), which are used by frequent travelers across U.S. borders. Another card produced for DHS is the Transportation Worker Identity Card (TWIC). We produce a Border Crossing Card (BCC) that is issued by the DOS for authorized travel across the Mexican border. We also produce secure law enforcement credentials for the U.S. Capitol Police that are used in Presidential inaugurations. The work GPO does in this field is well-known among the Federal agencies that need these products, and has been thoroughly validated by the Government Accountability Office in a 2015 report to Congress **http://www.gao.gov/products/GAO-15-326R** and the National Academy of Public Administration's 2013 report on GPO.

GPO AND OPEN, TRANSPARENT GOVERNMENT

Producing and distributing the official publications and information products of the Government fulfills an informing role originally envisioned by the Founders, as James Madison once said:

> "A popular Government without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy, or perhaps both. Knowledge will forever govern ignorance, and a people who mean to be their own Governors, must arm themselves with the power which knowledge gives."

GPO operates a variety of programs and activities that provide the public with "the means of acquiring" Government information that Madison spoke of. These programs include the Federal Depository Library program (FDLP), FDsys and **govinfo**, Publications Information Sales, Reimbursable Distribution, and social media.

Federal Depository Library Program The FDLP has legislative antecedents that date to 1813 (3 Stat. 140), when Congress first authorized congressional documents to be deposited at the American Antiquarian Society in Worcester, MA, for the use of the public. Since then, Federal depository libraries have served as critical links between "We the People" and the information made available by the Federal Government. GPO provides the libraries with information products in digital and, in some cases, tangible formats, and the libraries in turn make them available to the public at no charge while providing additional assistance to depository library users.

The FDLP today serves millions of Americans through a network of 1,148 public, academic, law, and other libraries located across the Nation, averaging nearly three per congressional district. Once limited to the distribution of printed and microfiche products, the FDLP today is primarily digital, supported by FDsys and **govinfo** along with other digital resources. This overwhelming reliance on digital content allowed for the first digital-only Federal depository library designation in 2014. In FY 2016, one new Federal depository library was designated as digital-only, while three existing depository libraries converted to all-digital status.

Federal Digital System (FDsys) We have been providing access to digital congressional and Federal agency documents since 1994 under the provisions of P.L. 103-40, beginning with a site known as GPO Access. Fifteen years later, GPO Access was retired and a significantly re-engineered site debuted as GPO's Federal Digital System. FDsys provides the majority of congressional and Federal agency content to the FDLP as well as other online users.

Online access to Federal documents made available by GPO has reduced the cost of providing public access to Government information significantly when compared with print, while expanding public access dramatically through the internet. In 2016, FDsys grew to make more than 1.6 million titles from the legislative, executive, and judicial branches available online from our servers and through links to other agencies and institutions. The system averaged nearly 40 million retrievals per month.

Govinfo In early 2016, we unveiled the next generation of our public access system with the introduction of **govinfo**. Though in beta, **govinfo** improves upon FDsys with a modern, easy-to-use look and feel that syncs with the need of today's Government information users for quick and effective digital access across a variety of digital platforms. Following a period of testing and iteratively developing the system's features, **govinfo** will become GPO's primary public access system—the third such system since we inaugurated online access in 1994—and FDsys will be retired from service.

Publication and Information Sales Program Along with the FDLP and our online dissemination system, which are no-fee public access programs, GPO provides access to official Federal information through public sales featuring secure ordering through an online bookstore (**bookstore.gpo.gov**), a bookstore at GPO headquarters in Washington, DC, and partnerships with the private sector that offer Federal publications as eBooks. As a one-stop shop for eBook design, conversion, and dissemination, our presence in the eBook market continues to grow. We now have agreements with Apple iTunes, Google Play, Barnes & Noble, OverDrive, Zinio, EBSCO, ProQuest and other online vendors to make popular Government titles such as the *Public Papers of the President-Barack Obama*, *Unsettled: A Story of U.S. Immigration*, and *Workout to Go* available as eBooks. We also offer a print-on-demand service for sales titles through Amazon and others, which enables us to offer more titles and avoid the expense of additional warehousing.

Reimbursable Distribution Program We operate distribution programs for the information products of other Federal agencies on a reimbursable basis, including the General Services Administration (GSA) and the Federal Trade Commission (FTC), from our facilities in Pueblo, CO, and Laurel, MD. This program saves money for participating agencies by permitting them to take advantage of GPO's centralized capabilities and economies of scale.

GPO and Social Media We use Facebook, Twitter, YouTube, Instagram, LinkedIn, Pinterest, and a blog to share information about GPO news and events and to promote specific publications and products. By the end of 2016, we had 7,530 likes on Facebook, 7,053 followers on Twitter, and 189,253 views across 75 videos on YouTube. On Pinterest, we had 749 followers pinning on 17 boards of Federal Government information. We also had 569 followers with 930 posts on Instagram and 3,069 followers on LinkedIn. Our blog, Government Book Talk, focuses on increasing the awareness of new and classic Federal publications through reviews and discussions.

GPO'S FINANCES

Business Operations Revolving Fund All GPO activities are financed through our Business Operations Revolving Fund, established by section 309 of Title 44, U.S.C. This business-like fund is used to pay all of our costs in performing congressional and agency publishing, information product procurement, and publication dissemination activities. It is reimbursed from payments from customer agencies, sales to the public, and transfers from our two annual appropriations: the Congressional Publishing Appropriation and the Public Information Programs of the Superintendent of Documents Appropriation.

Retained Earnings Under GPO's system of accrual accounting, annual earnings generated since the inception of the Business Operations Revolving Fund have been accumulated as retained earnings. Retained earnings make it possible for us to fund a significant amount of technology modernization. However, appropriations for essential investments in technology and plant upgrades are requested when necessary.

Annual Audit GPO is accountable for its finances. Each year, GPO's finances and financial controls are audited by an independent outside audit firm working under contract with GPO's Office of Inspector General. For FY 2016, the audit concluded with GPO earning an "unmodified," or clean, opinion on its finances, the 20th consecutive year GPO has earned such an audit result.

Appropriated Funds GPO's Congressional Publishing Appropriation is used to reimburse the Business Operations Revolving Fund for the costs of publishing the documents required for the use of Congress in digital and tangible formats, as authorized by the provisions of chapters 7 and 9 of Title 44, U.S.C. The Public Information Programs of the Superintendent of Documents Appropriation is used to pay for the costs associated with providing online access to, and the distribution of, publications to Federal depository libraries, cataloging and indexing, statutory distribution, and international exchange distribution. The reimbursements from these appropriations are included in the Business Operations Revolving Fund as revenue for work performed.

FY 2016 Financial Results Revenue totaled $875.3 million while expenses charged against GPO's budget were $804.1 million, for an overall net income of $71.2 million from operations. Included in both GPO's revenue and net income is approximately $24.7 million in funds set aside for passport-related capital investments, as agreed to by GPO and the Department of State, and $0.4 million in funds resulting from a downward adjustment to GPO's long-term workers' compensation liability under the Federal Employees Compensation Act (FECA). Apart from these funds, GPO's net operating income from FY 2016 was $46.1 million.

Funds appropriated directly by Congress provided nearly $118.8 million (including funds from the Congressional Publishing and Public Information Programs appropriations, along with appropriations to the Business Operations Revolving Fund), or about 14% of total revenue. All other GPO activities, including in-plant publishing (which includes the production of passports), procured work, sales of publications, agency distribution services, and all administrative support functions, were financed through the Business Operations Revolving Fund by revenues generated by payments from agencies and sales to the public.

FY 2018 APPROPRIATIONS REQUEST

GPO is requesting a total of $117,068,000 for FY 2018, the same as the FY 2017 level. Total GPO appropriations have declined by nearly 21% since FY 2010. Our continued transition to digital technologies and products has increased our productivity and reduced costs. Additionally, maintaining financial controls on our overhead costs, coupled with a buyout in FY 2015 that reduced GPO's workforce by 103 positions, has helped make this funding request possible. Finally, the utilization of the unexpended balances of prior year

appropriations, which we are able to transfer to GPO's Business Operations Revolving Fund with the approval of the Appropriations Committees, has made it possible in recent years to hold the line on the level of new funding we request.

Total Appropriations to GPO
FY 2010-2017

Fiscal Year	Appropriation
2010	$ 147,461,000
2011	135,067,324
2012	126,200,000
2013	117,533,423
2014	119,300,000
2015	119,993,000
2016	117,068,000
2017	117,068,000

Our FY 2018 request will enable us to:

- meet projected requirements for congressional publishing;
- fund the operation of the public information programs of the Superintendent of Documents; and
- develop information technology, including IT security, and perform facilities maintenance and repairs that support our congressional publishing and public information programs operations.

Congressional Publishing Appropriation We are requesting $79,528,000 for this account, which is less than the amount approved for FY 2017. This appropriation has declined by 15% since FY 2010, as the result of our continuing transition to digital technology and products as well as actions taken in cooperation with the House of Representatives and the Senate to control congressional publishing costs. Unspent prior year balances from this account that have been transferred to GPO's Business Operations Revolving Fund for the purposes of this account have also been used to maintain our requirements for new funding at a flat level since 2014.

Congressional Publishing Appropriation
FY 2010-2017

Fiscal Year	Appropriation
2010	$ 93,768,000
2011	93,580,464
2012	90,700,000
2013	82,129,576
2014	79,736,000
2015	79,736,000
2016	79,736,000
2017	79,736,000

Our request for this appropriation is an estimate of the amount of work Congress is likely to requisition from GPO for FY 2018, based on historical data. GPO has no control over the workload requirements of the Congressional Publishing Appropriation. These are determined by the legislative activities and requirements of the House of Representatives and the Senate as authorized by the applicable provisions of Title 44, U.S.C. GPO utilizes historical data incorporating other relevant factors to develop estimates of likely congressional publishing requirements. These requirements are used as the basis of the budget presentation for this account.

The estimated requirements for FY 2018 include no price level changes. We anticipate an overall reduction of $208,000 from current year requirements based on projected volume decreases in virtually every congressional product category except for business and committee calendars, the Congressional Record, and hearings.

Commensurate with the beginning of the 115th Congress we began implementing, in cooperation of offices of the Clerk of the House and the Secretary of the Senate, a new composition system that will enable GPO to compose congressional bills in XML. The estimated savings from this new system have not yet been fully determined but it is expected to reduce costs as a result of expediting the production process for these documents. The new composition system will be expanded to additional congressional products in the future. Additionally, we are developing a new composition capability for House hearings following a plan designed by the Committee on House Administration, which is also expected to reduce costs and improve efficiency.

The unexpended balances of prior year appropriations that have been transferred to GPO's Business Operations Revolving Fund will be used to offset anticipated congressional product requirements. The balance of these funds is earmarked for the development of our new composition system and other projects that may be required of us, including those supporting the objectives of the Legislative Branch Bulk Data Working Group.

Public Information Programs of the Superintendent of Documents We are requesting $29,000,000 for this account, representing a decrease of $500,000 or 1.7% from the FY 2017 appropriation. This appropriation has declined by more than 27% since FY 2010, as the result of our continuing transition to digital technology and products which has made the increased dissemination of official Government information to the public less costly and more efficient.

Public Information Programs of the Superintendent of Documents Appropriation FY 2010-2017

Fiscal Year	Appropriation
2010	$ 40,911,000
2011	39,831,178
2012	35,000,000
2013	31,437,000
2014	31,500,000
2015	31,500,000
2016	30,500,000
2017	29,500,000

The funding we are requesting for FY 2018 will cover mandatory pay and related cost increases for 89 FTE's, the same as for FY 2017. Requirements for new funding have also been reduced by a decrease in printing costs due to digitization and the use of prior year funds as approved by the Appropriations Committees. These funds will be used to pay for projects including strengthening public access to online information by continuing to build **gov.info**, and to investigate, develop, and replace legacy methods for the selection and distribution of digital and tangible materials to Federal depository libraries.

Business Operations Revolving Fund We are requesting $8,540,000 for this account, to remain available until expended, for information technology projects, including essential cybersecurity measures, and necessary facilities projects. This is an increase over the $7,832,000 appropriated in FY 2017. Funding provided to this account represents an increase to working capital for specified projects. Since FY 2013, these projects have consistently included improvements to GPO's FDsys (and its successor system, **gov.info**), which has expanded public access to congressional and other Government information products in digital formats while decreasing the costs of distributing traditional print formats, as well as other essential IT projects. Our request this year includes necessary expenses associated with enhancing the cybersecurity of GPO's IT systems, as we have communicated to the Legislative Branch Cybersecurity Working Group. We also fund necessary physical infrastructure projects through appropriations to this account.

Appropriations to the Business Operations Revolving Fund FY 2010-2017

Fiscal Year	Appropriation
2010	$ 12,782,000
2011	1,655,682
2012	500,000
2013	3,966,847
2014	8,064,000
2015	8,757,000
2016	6,832,000
2017	7,832,000

INFORMATION TECHNOLOGY PROJECTS FOR FY 2018 - $7,000,000

Gov.info Projects - $5,000,000

- **General System and Collection Development ($3,800,000) –** Development of new FDsys/**govinfo** features to support identified needs of key stakeholders, including developing new content collections, increasing content in existing collections, enhancing the accessibility of content, and increasing the discoverability of information.
- **FDsys/gov.info Infrastructure ($1,200,000) –** Infrastructure for the hardware, storage, and environments to manage system performance as FDsys/**govinfo** content and usage continues to grow.

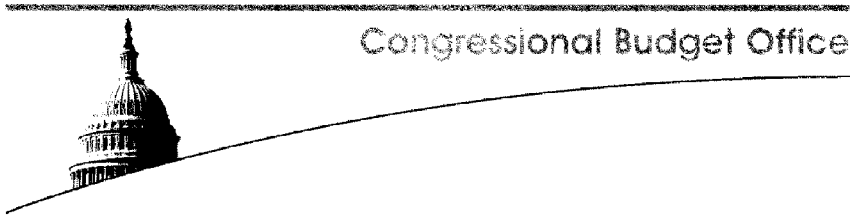
Cybersecurity Projects - $2,000,000

- **Security Enhancements for Advanced Persistent Threat ($2,00,000) –** Required for enhanced technologies and services to combat, detect, and prevent advanced persistent threats (including sophisticated nation-state actors) from compromising GPO IT systems.

FACILITIES INFRASTRUCTURE PROJECTS FOR FY 2018 - $1,540,000

- **Elevator Repairs ($900,000) –** Elevators 3 and 4 at GPO's G Street entrance are aging and need frequent repairs. We intend to replace and upgrade these elevators with modern controls and security features. These elevators also support employee life/safety by providing a means for evacuation of medical emergencies.
- **Emergency Power Generator ($500,000) –** This will replace GPO's existing diesel emergency generator with one using clean-burning natural gas. It will also increase the electrical load that can be supported in the event of an emergency, such as we experienced in 2015 with a power outage by PEPCO.
- **LED Lighting ($140,000) –** Infrastructure for the hardware, storage, and environments to manage system performance as **govinfo** content and usage continue to grow.

Mr. Chairman and Members of the Subcommittee, this concludes my prepared statement, and I would be pleased to answer any questions you may have.



Statement for the Record

CBO's Appropriation Request for Fiscal Year 2018

Keith Hall
Director

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

June 13, 2017

CONGRESS OF THE UNITED STATES

Chairman Yoder, Ranking Member Ryan, and Members of the Subcommittee, thank you for the opportunity to submit a statement for the record about the Congressional Budget Office's budget request. CBO is asking for appropriations of $49.9 million for fiscal year 2018. That amount represents an increase of $3.4 million, or 7.4 percent, from the $46.5 million provided to CBO for 2017. Of the total amount, nearly 90 percent would be used for personnel costs.

Reasons for the Requested Increase in Funding

There are three reasons for requesting an increase. CBO must move its data center; the other costs of maintaining existing operations will be higher nexr year; and the agency proposes to expand its analytical capacity.

Moving the Data Center

CBO will need to spend $1.1 million in 2018 because of an unusual expense. The agency's primary data center currently resides in the House of Representatives' data center on the sixth floor of the Ford House Office Building. Because House Information Resources has decided to repurpose that facility, CBO must remove its information technology (IT) equipment by March 2018. The Congress's off-site Alternate Computing Facility, which is currently CBO's backup data center, will become the agency's primary data center, and the agency will establish a new backup center at a different location.

The move is projected to result in a onetime expenditure of $1.1 million (and in recurring lease and maintenance costs in later years). About $0.2 million of the onetime cost will be incurred in fiscal year 2017, delaying other important IT projects. In 2018, a cost of $0.9 million will be incurred for moving the data center, as will a cost of $0.2 million for the delayed projects. If CBO does not receive funding for the relocation, the agency will be forced to pay for it by cutting back on the size of its staff and providing less information and analysis to the Congress.

Maintaining Other Existing Operations

CBO requests an increase of $1.5 million to fund existing operations in 2018. That amount includes $1.1 million for increases in personnel expenses, which would result from a small increase in employees' average salary and a rise in the cost of benefits. An additional $0.4 million would be used to fund nonpersonnel expenses, mainly the upgrade of several cybersecurity systems that are vital to the agency's mission but nearing the end of their life cycle and the renewal of long-term maintenance support for other major cybersecurity systems. As with the previous item, if funding is not provided, CBO will need to shrink its staff and provide less information and analysis to the Congress.

Expanding Analytical Capacity

CBO proposes to add four new analysts in 2018 and to create additional on-site capacity to use sensitive data securely. The total cost of those additions would be $0.8 million.

Adding four full-time-equivalent positions (FTEs) would cost $0.5 million for salary and benefits. The additional FTEs would be devoted to health care analysis, scorekeeping for appropriation bills, and analyzing the economic effects of federal tax and spending policies (work that would include the dynamic analysis of certain legislation, which is required by a recent budget resolution). Congressional interest remains high in modifying or replacing the Affordable Care Act and changing Medicare or Medicaid. CBO is also anticipating a larger workload associated with appropriations and is aiming to respond to requests for information more quickly. And CBO expects to further develop its capacity to conduct dynamic analysis in the coming year.

About $0.3 million would fund expansions of on-site capacity to securely use sensitive data, such as data from the Internal Revenue Service, the Social Security Administration, and other agencies. That capacity would help CBO meet growing demand from the Congress for analysis that draws on such data to understand changes in earnings, marriage, mortality, and other factors affecting benefits, tax revenues, and other parts of the federal budget. The additional resources would make access to such data speedier and more consistent, increasing the quality and timeliness of CBO's work.

CBO's Budget Request and Its Consequences for Staffing and Output

In fiscal year 2018, CBO will continue its mission of providing objective, insightful, timely, and clearly presented budgetary and economic information to the Congress. The $49.9 million in funding that CBO requests would be used for personnel costs (that is, salaries and benefits), IT, and other costs, such as training.

Funding Request for Personnel Costs and Consequences for Staffing

CBO requests $44.3 million for salary and benefits, which equals 89 percent of its funding request. Those funds would support 241 FTEs. The requested amount represents an increase of $1.6 million, or 4 percent. Of the total requested amount:

- $33.0 million would cover salaties for personnel—an increase of $1.4 million, or 5 petcent, from the amount that will he spent in fiscal year 2017. The increase would cover $0.4 million in pay for four additional analysts, as well as performance-based salary increases for current staff and an across-the-board increase of 2.4 percent for employees earning less than $100,000 (if such an increase is authorized for executive btanch agencies).

- $11.4 million would fund benefits for personnel—an increase of $0.2 million, or 2 percent, from the amount projected to be spent in 2017. The increase would cover a boost in the cost of federal benefits, as well as benefits for the four additional analysts.

Funding Request for Nonpersonnel Costs

CBO requests $5.6 million for costs other than personnel, which equals 11 percent of its funding request. Those funds would cover current IT operations—such as software and hardware maintenance, software development, commercial data putchases, communications, and equipment purchases—and would pay for travel, training, interagency agreements, facilities support, printing and editorial support, expert consultants, financial management auditing support, and subscriptions to library services. The requested amount represents an increase of $1.8 million, or 47 percent.

Of the increase, $1.1 million would fund two nonrecurring IT costs:

- Required relocation of CBO's data center ($908,500) and

- IT cybersecurity projects that are expected to be delayed because of the 2017 costs of that relocation ($200,000).

An additional $0.7 million of the increase would allow CBO to fund:

- The upgrade of several cybersecurity systems that are vital to the agency's mission and the renewal of long-term maintenance support for other major cybersecurity systems ($385,000, a small portion of which results from price increases for current IT contracts) and

- The costs of creating additional on-site capacity to use sensitive data securely ($315,000).

Consequences for Output

The requested amount of funding would allow CBO to provide the following estimates and other analyses to the Congress:

- More than 600 formal cost estimates, most of which will include not only estimates of federal costs but also assessments of the cost of mandates imposed on state, local, and tribal governments or the private sector;

- Thousands of preliminary, informal cost estimates, the demand for which is very high as committees seek a clear picture of the budgetary impact of proposals and variants of proposals before they formally consider legislation;

- More than 100 scorekeeping tabulations, including account-level detail for individual appropriation acts at all stages of the legislative process, as well as summary tables showing the status of discretionary appropriations (by appropriations subcommittee) and running totals on a year-to-date basis;

- About 60 analytic reports and papers—generally required by law ot prepared in response to requests from the Chairmen and Ranking Members of key committees—about the outlook for the budget and the economy, major issues affecting that outlook under current law, the budgetary effects of policy proposals that could change the outlook, and a broad range of related budget and economic topics in such areas as defense policy, infrastructure, and energy policy;

- Numerous files of data documenting detailed 10-year baseline budget projections, 10-year economic projections, long-term budget projections (spanning 30 years), and other information underlying analytic reports—all of them posted on CBO's website; and

- Descriptions of policy options that would reduce budget deficits and publications that increase the transparency of CBO's work and communicate about that work graphically.

Despite high productivity by a dedicated staff, CBO expects that the anticipated volume of estimates and other analyses will fall considerably short of the number of Congressional requests. The demands on the agency remain intense. For example, the workload associated with the analysis of appropriations has risen; the Congress remains acutely interested in analyses of the Affordable Care Act and numerous proposals for further changes in federal health care programs; and the now-required dynamic analyses of how certain legislative proposals would affect the economy and how those economic effects would, in turn, affect the federal budget require complex modeling. Other issues arise frequently and create a heavy demand for analysis: Over the past year, for example, CBO analyzed legislation related to the privatization of the air traffic control system, sentencing reform, trade facilitation and the enforcement of certain trade laws, child nutrition programs, child welfare programs, and Puerto Rico's debt crisis. Analyzing the possibilities and proposals has strained the agency's resources in many areas. CBO regularly consults with committees and Congressional leadership to ensure that its resources are focused on the work that is of highest priority to the Congress.

In closing, I would like to thank the Committee for its long-standing support of CBO. That support has allowed CBO to provide budgetary and economic analysis that is timely, thoughtful, and nonpartisan as the Congress addresses issues of critical importance.

This statement summarizes information in CBO's budget request for fiscal year 2018, which was written by Leigh Angres, Theresa Gullo, Deborah Kilroe, Cierra Liles, Terry Owens, Stephanie Ruiz, and Mark Smith, with guidance from Joseph E. Evans, Jr.

The statement was reviewed by Mark Hadley, Jeffrey Kling, and Robert Sunshine. Benjamin Plotinsky edited the statement, and Jorge Salazar prepared it for publication. An electronic version is available on CBO's website at www.cbo.gov/publication/52798.

Keith Hall
Director
June 2017

United States Government Accountability Office

GAO

Statement for the Record
to the Subcommittee on the Legislative Branch, Committee on Appropriations, House of Representatives

June 16, 2017

FISCAL YEAR 2018 BUDGET REQUEST

U.S. Government Accountability Office

Statement for the Record by
Gene L. Dodaro, Comptroller General of the United States

GAO-17-455T

GAO Highlights

Highlights of GAO-17-455T, a statement for the record to the Subcommittee on the Legislative Branch, Committee on Appropriations, House of Representatives

June 16, 2017

FISCAL YEAR 2018 BUDGET REQUEST

U.S. GOVERNMENT ACCOUNTABILITY OFFICE

Background

GAO's mission is to support Congress in meeting its constitutional responsibilities and to help improve the performance and ensure the accountability of the federal government for the benefit of the American people. We provide nonpartisan, objective, and reliable information to Congress, federal agencies, and to the public, and recommend improvements across the full breadth and scope of the federal government's responsibilities.

GAO responded to requests from 95 percent of the standing full committees of the Congress in fiscal year 2016. GAO issued 697 reports, 2,071 new recommendations, and testified before congressional committees 119 times. Congress used our work extensively to inform its decisions on key fiscal year 2016 and 2017 legislation. Since fiscal year 2002, GAO's work has resulted in:

- over $750 billion dollars in financial benefits; and
- about 19,200 program and operational benefits that helped to change laws, improve public services, and promote sound management throughout government.

GAO remains an employer of choice in the public sector. The Partnership for Public Service announced that GAO is one of the top places to work in the federal government. We improved our scores in 2016, rising to second place among mid-size agencies. We are ranked first for diversity and inclusion.

For more information, contact Gene L. Dodaro at (202) 512-5500 or dodarog@gao.gov.

In fiscal year 2016 GAO's work resulted in a return of $112 for every dollar invested in GAO, generating over $63 billion in financial benefits to the federal government. Implementation of GAO's recommendations led to 1,234 program and operational improvements across the federal government including many important contributions to enacted budget, appropriations and authorization legislation. GAO reports contained more than 2,000 recommendations across a vast array of areas to foster government efficiency, effectiveness, and responsiveness on high priority challenges facing Congress and the nation.

Congress used GAO's work to improve agency operations and generate billions in savings. These will result in improved program efficiencies and services through implementation of GAO's recommendations, including such areas as DOD acquisitions and financial management, services to veterans, management of IT systems, and fraud detection.

GAO also continues to draw attention to issues facing Congress and the nation by producing regular updates based on our bodies of work. In February 2017 we issued our biennial high risk report updating Congress on progress made on the 32 areas identified in 2015 and added 3 new areas: (1) Improving Federal Programs that Serve Tribes and their Members; (2) the 2020 Decennial Census; and (3) U.S. Government Environmental Liabilities. In April we issued our seventh annual report on fragmentation, overlap and duplication among federal programs and opportunities to reduce government operations costs or enhance revenues. It identified 79 new actions that Congress and executive branch agencies can take to improve government efficiency and effectiveness. Progress in addressing the 645 actions identified in the six previous years resulted in roughly $136 billion in financial benefits.

GAO is requesting a fiscal year 2018 appropriation of $618.2 million to continue to address congressional priorities, and fulfill our mission. This will support a staffing level of 3,100 full-time equivalents (FTE). We expect to offset our funding needs with $27.5 million in reimbursements from program and financial audits, as well as rental income, resulting in a net appropriation request of $590.7 million.

In planning fiscal year 2018 resources, GAO recognized several key areas that merit increased attention as additional staffing is made available. Focus in these areas will provide long term benefits to the nation. They include identifying strategies and actions agencies can take to reduce a growing amount, now over $140 billion annually, of improper government payments; finding ways to close the yawning tax gap of over $400 billion dollars annually between taxes owed to the government and total taxes paid; and helping the Congress determine policy implications of increasingly complex and rapidly evolving development of science and technology.

Chairman Yoder, Ranking Member Ryan, and Members of the Subcommittee:

I am pleased to submit this statement for the record on the U.S. Government Accountability Office (GAO), fiscal year 2018 budget request. I also appreciate the confidence this subcommittee has shown in GAO by supporting our efforts to serve Congress and improve government performance, accountability, and transparency.

Since 2014, Congress has provided funding that has resulted in GAO's work achieving $192.5 billion in financial benefits and 3,808 other improvements in government programs and operations. GAO also provided 357 testimonies to dozens of Congressional Committees over this time period. Even with this record of success, much work remains to be done to improve government performance and accountability and help Congress address its highest priorities. Our fiscal year 2018 budget submission was formulated keeping in mind the constrained budget environment in which the government operates.

GAO's fiscal year 2018 budget requests $618.2 million in appropriated funds to enable GAO to bolster our staff capacity to better serve the Congress. With a return of $112 for every dollar invested in GAO in fiscal year 2016, GAO is an exceptional investment. Last fiscal year alone, our work generated over $63 billion in financial benefits and 1,234 program and operational improvements across government.

Our fiscal year 2018 budget request is focused on maintaining sufficient staff so that GAO will be better positioned to help Congress meet its oversight responsibilities. The funding requested will also enable us to make critical information technology investments that improve our productivity and work product.

Priority Areas for Resource Enhancement at GAO

While GAO always responds to the oversight and legislative priorities of the Congress, in fiscal year 2018 we would also propose to focus additional resources on certain areas as staffing is made available, including:

Growing Amounts of Improper Payments – Payments that should not have been made or that were made in an incorrect amount are a growing government-wide issue. Since fiscal year 2003, when certain agencies were required by statute to begin reporting improper payments, cumulative improper payment estimates have totaled over $1.2 trillion. The improper payments annual estimate in fiscal year 2016, attributable

to 112 programs across 22 agencies, was over $144 billion, up from almost $137 billion in fiscal year 2015 and almost $125 billion in fiscal year 2014.

Three large programs, Medicare, Medicaid, and the Earned Income Tax Credit, account for over 78 percent of the fiscal year 2016 government-wide improper payment estimate. Federal spending for Medicare and Medicaid is expected to increase significantly, so it is especially critical to take appropriate measures to reduce improper payments in these programs.

In fiscal year 2016, 14 federal programs had improper payment estimates greater than $1 billion. Eleven programs had payment error rates that exceeded 10 percent. To address the issue of improper payments, agencies should first identify the root causes of improper payments and then implement internal controls aimed at both prevention and detection.

The government's ability to understand the scope of the issue is hindered by incomplete, unreliable, or under stated estimates; risk assessments that may not be accurate; and noncompliance with criteria listed in federal law. For example, 18 federal programs determined to be at risk for improper payments did not report estimates of improper payments in fiscal year 2016.

In addition, DOD lacks quality assurance procedures to ensure the completeness and accuracy of its estimates. Further, various Inspectors General reported deficiencies related to compliance with the criteria listed in the Improper Payments Elimination and Recovery Act of 2010 for fiscal year 2015 at their respective federal entities.

Our work identifies a number of strategies and specific actions agencies can take to reduce improper payments, which could yield significant savings and help better ensure that taxpayer funds are adequately safeguarded.

Yawning Tax Gap – According to the 2016 Financial Report, the estimated size of the annual gross tax gap between taxes owed to the government and total taxes paid on time is $458 billion. The tax gap arises when taxpayers, whether intentionally or inadvertently, fail to (1) accurately report tax liabilities on tax returns (underreporting); (2) pay taxes due from filed returns (underpayment); or (3) file a required tax return altogether or on time (nonfiling). Underreporting accounted for 84 percent of the tax gap across tax years 2008 to 2010.

This resulted in an annual net tax gap of $406 billion. Given the size of the tax gap, increased attention to this area would yield significant financial benefits and help improve the government's fiscal position.

Addressing the tax gap requires strategies on multiple fronts. Key factors that contribute to the tax gap include limited third party reporting and tax code complexity. For example, the extent to which individual taxpayers accurately report their income is correlated with the extent to which the income is reported to them and the IRS by third parties.

Our work identifies a number of strategies and specific actions Congress and agencies can take to reduce the tax gap, including simplifying the tax code. Additional resources would enable us to expand our work in finding ways to further close the tax gap, thus improving the government's financial position.

Science and Technology – Science and technology developments influence almost every aspect of the American experience; they present great opportunities to improve the quality of life, the performance of the economy and the government, and the relationship of the government to its population. While information technology is a major technological force of this era, linking individuals, organizations, and economies around the world, other kinds of scientific and technological advances are also creating significant changes.

The increased development and use of new technologies challenge the government's and the Congress's ability to evaluate their potential and assess their program and policy implications in areas such as security, safety, privacy, and equity.

In fiscal year 2016 we reported on Zika virus as an emerging infectious disease, the continued need for effective oversight of high-containment laboratories, the status of bio forensic capabilities in the law enforcement and homeland security communities, the emergence of data analytics and its overall impact on society and the economy, and how municipalities can use technology to improve the efficiency of their water distribution systems and tap nontraditional sources to address water scarcity, among others.

GAO has already issued two best practice guides, addressing capital acquisitions in the areas of lifecycle cost estimates and project scheduling. These best practice products are designed to assist federal managers in addressing major projects, and they also serve as a means by which GAO can evaluate such projects. Adding to these initial efforts,

GAO's science and technology group issued a third best practice guide, this one addressing technology readiness assessment.

We expect this most recent work will be a means by which program managers can identify technologies and manage their risks throughout the development of technology-dependent projects. Given the persistent and growing demand for this technical work, GAO strives to continue to build our staff capacity in this growing area.

Additional resources would enable us to expand our work including the completion of key strategic technology reports on the Internet of Things, sustainable chemistry, rapid point-of-care medical diagnostics for detecting infectious diseases (e.g., Ebola), artificial intelligence systems, electromagnetic pulse threat mitigation technologies, oversight of biosafety labs, nuclear waste immobilization technologies, and emerging infectious diseases.

Based on interest expressed by various Committees of jurisdiction, potential future science and technology work could focus on antibiotic-resistant bacteria, freshwater conservation technologies for the agricultural sector, block chain technologies (financial technology), unmanned aerial systems, high-frequency trading technologies, and regenerative medicine, among others.

Information Technology Improvements

In fiscal year 2017, GAO requested funding to continue investments to enhance our management information systems, IT infrastructure and security, as well as our telecommunications capabilities. Fiscal year 2018 funding will seek to continue these efforts as well as make additional improvements in these areas. For fiscal year 2018 GAO is requesting funding needed to continue our efforts to improve and modernize GAO's technology infrastructure and services.

Over the past few years GAO has undertaken the Engagement Management System (EMS) and New Blue initiatives to better leverage technology. These new systems will enhance our core business processes and enable GAO products to be created and distributed in the most efficient manner using currently supported technology.

GAO developed and deployed EMS to help manage the work throughout the agency. This new system has been rolled out across the agency and has allowed us to retire multiple legacy applications. New Blue will enable the end-to-end processing of GAO products from drafting through issuance to the Congress and posting on GAO's web site. New Blue will

allow GAO to keep pace with the evolving methods of demand and consumption of information from our clients and stakeholders by supporting multiple formats and product types. Both EMS and New Blue have been planned and are being executed to ensure the quality and reliability of GAO products continues to be met at the highest levels allowing greater efficiency and flexibility in best supporting Congressional needs.

With funding requested for 2018, GAO will be able to meet key demands for technology upgrades, including:

- GAO needs funding to upgrade its data center and the infrastructure that supports GAO operations. GAO's data center requires 24/7 operational availability to adequately support staff located in headquarters and GAO's 11 field locations throughout the United States. GAO needs to improve data management operations and security to ensure adequate support and meet ongoing needs. As such, in fiscal year 2018, we will assess options to upgrade the equipment supporting the center to provide a modern computing environment, which could reduce costs and enhance security, capacity, and availability. We expect to initiate replacement of the equipment and support beginning in fiscal year 2018.

- GAO is looking to make strategic investments into cloud-based solutions to maximize efficiency, improve the security of our data and our ability to best combat cyber threats to our infrastructure, and position us to leverage technology opportunities in the future.

- Funding is also being sought to retire our aging telephone and video teleconferencing infrastructures and replace them with a state of the art communications platform. Given that collaboration is so vital to our mission, we are looking to invest in new technologies that will improve how our staff works and communicates when doing our work across geographic locations.

- Another key priority in fiscal year 2018 is our effort to replace our aging document management solution with a modern content management solution. A new solution will improve our capabilities to store and re-use the information and content we produce in support of core Agency work processes and products. A modern content management solution will enable GAO to more effectively and efficiently serve Congress and the American Public by providing new workflow management capabilities.

Cumulatively these technology improvements will help the GAO workforce deliver its analysis to the Congress in the most robust and modern manner and consistent with currently supported technology standards. We are consistently looking to improve our technology platforms to take advantage of technology advances that best enable GAO to deliver value to our clients while seeking cost saving opportunities. We sincerely appreciate the Committee's support to date and look forward to your support in fiscal year 2018 and beyond.

GAO's Current Environment

GAO operated at the Continuing Resolution (CR) level through the beginning of May. This had a significant impact on human resource and operations. We deferred or reduced staffing and curtailed spending on technology investments that are critical to our efforts to modernize GAO's infrastructure and business processes.

The fiscal year 2017 funding provided in the Omnibus will afford us an opportunity to address many of the staffing and operations challenges presented during the Continuing Resolution period.

The fiscal year 2018 budget request would enable GAO to bolster its staff capacity to 3,100 FTEs through a targeted recruitment program to help address succession planning and fill critical skill gaps. This funding level will also help ensure that GAO is able to recruit and retain a talented and diverse workforce as well as make progress towards an optimal staffing level of 3,250 FTEs.

We expect to offset our funding needs with $27.5 million in reimbursements from program and financial audits and rental income, resulting in a net appropriation request of $590.7 million.

Assisting Congress in Shaping Legislation

GAO continues to be recognized for its non-partisan, objective, fact-based, and professional analyses across the full breadth and scope of the federal government's responsibilities and the extensive interests of Congress. In fiscal year 2016, and to date in fiscal year 2017, Congress used GAO's work as the basis for a wide range of significant legislative decisions.

The Consolidated Appropriations Act, 2017 – in many cases requires an agency to take action based on GAO findings and recommendations. For example, the act requires:

- Census to address shortcomings in its cost estimate, identified by GAO, for the 2020 Census;
- federal agencies to resolve duplication in programs identified by GAO, by identifying substantive challenges, legal barriers, and by making legislative recommendations;
- IRS to develop a customer service plan with specific goals, strategies and, resources; GAO recommended that IRS assess gaps between desired and actual customer service performance;
- GSA to improve its ability to account for federal property and its value; the management of federal real property has been on GAO's high risk list since 2015;
- Labor to finalize and implement regulations related to the Workforce Innovation and Opportunity Act; GAO found that limited guidance and regulations slowed the act's implementation; and
- Defense to
    - produce information clarifying the content, scope, and phasing of developments, and capabilities of Joint Strike Fighter components; GAO found current management of follow-on development potentially posed greater costs and schedule risk;
    - report on the cost, schedule, and obligations of the Defense Healthcare Systems Modernization program.

The act also cited GAO work on deficiencies in agencies' information technology systems and directed agencies to implement those recommendations. Among those agencies included were the Farm Service Agency, the IRS, Housing and Urban Development, and the Federal Emergency Management Agency.

The Act also directed agencies to implement other GAO recommendations. For example, the act directs:

- Customs and Border Patrol to document the time unaccompanied children spend in custody, the care afforded them, and to develop a way to register, track and analyze complaints for trends.

In other cases, the Act required an agency to report on its progress implementing a GAO recommendation. For example, the act requires progress reports on the following:

- the State Department's efforts to utilize cost containment, risk assessment, and strategic planning for oversees facilities, such as embassies; and establish performance goals for programs meant to reduce global poverty and to collaborate with similar US programs; and

- Interior's actions to ensure the Bureau of Indian Education schools and facilities have effective management controls and comply with federal laws and regulations.

Finally, the act included reductions to budget requests, including to the Department of Defense's (DOD) fiscal year 2017 appropriations based on GAO work. For example, GAO found that DOD had overstated its fiscal year 2017 O&M budget request for fuel, resulting in $1.1 billion in reductions.

The FY 2017 Military Construction and Veterans Affairs, and Related Agencies Appropriations Act – requires Veteran Affairs (VA) to clarify access and wait times for mental health serves and how it manages appointments for these services. GAO found that the Veterans Health Administration calculations of veteran mental health wait times may not have always reflected the overall amount of time a veteran waited for care.

The Bipartisan Budget Act of 2015 – the Congress used GAO's work to contribute to an agreement on spending caps in fiscal years 2016 and 2017 by identifying $30 billion in offsets or revenue enhancements, including (1) making new provider-based off-campus hospital outpatient departments ineligible for inpatient reimbursements, saving $9.3 billion; (2) streamlining and simplifying audit procedures for certain partnerships, increasing tax revenue by an estimated $9.3 billion; and (3) requiring agencies to increase civil monetary penalties annually reflecting the consumer price index, generating $1.3 billion.

The National Defense Authorization Act for Fiscal Year 2017 – undertakes significant reform of military acquisition policy. Specifically, the Act requires DOD to improve reporting about the volume and types of defense services acquired, control costs, enhance access to supply chains, and take steps to reduce acquisition risks and encourage the development of new prototypes.

- These changes reflect GAO's body of work on military acquisition that concluded, among other things, that senior DOD leadership needed to be better positioned to make informed decisions about acquisition. Changing approaches to acquisition could result in significant savings. In addition, access to innovative technology could be improved.

- In addition to reforming acquisition, the Act requires DOD to report on rebuilding military readiness, specifically comprehensive readiness goals, implementation strategies, progress metrics, and related costs and other best practices. These requirements reflect GAO's finding that the lack of a comprehensive plan put DOD's readiness rebuilding efforts at risk.

- The Act did not fund the request for $15,260,000 in funding to create a repository for defense nuclear waste, based on GAO's finding that DOE's cost estimates for its repository plan excluded billions of dollars in likely costs.

- Separately, the Act directs federal agencies to use paid administrative leave more judiciously, so leave does not exceed reasonable amounts. GAO had reported that federal agencies had inconsistent policies for the use and reporting of paid administrative leave and that 263 federal employees had used 1 to 3 years of leave during a 3 year period.

The Fraud Reduction and Data Analytics Act of 2015 – requires the Office of Management and Budget (OMB) to establish guidelines based on GAO's 2015 Framework for Managing Fraud Risks in Federal Programs to help prevent and respond to fraud and improper payments in federal programs.

The Framework identifies leading practices to help managers combat fraud and preserve integrity in government agencies and programs. The act should help agencies reduce their vulnerability to fraud by encouraging them to identify risks and vulnerabilities; implement financial and administrative controls; and by requiring transparency through reporting on these efforts.

The Frank R. Lautenberg Chemical Safety for the 21st Century Act – GAO has had "Transforming EPA's Process for Assessing and Controlling Toxic Chemicals" on our high-risk list since 2009 because EPA had not developed sufficient chemical assessment information to limit exposure to

many chemicals that may pose substantial health risks. This act provides EPA with greater authority to address chemical risks.

Program Management Improvement Accountability Act – The act seeks to improve program and project management in federal agencies. Among other things, the act requires the Deputy Director of the Office of Management and Budget (OMB) to adopt and oversee implementation of government-wide standards, policies, and guidelines for program and project management in executive agencies.

The act elevates agencies' attention to GAO's high risk list by requiring the Deputy Director to address programs on our High-Risk List through portfolio reviews; creating an interagency forum to review programs on the High-Risk List and make recommendations to the Deputy Director or designee; and having GAO review the effectiveness of key efforts under the act.

The No Veterans Crisis Line Call Should Go Unanswered Act – requires Veterans Affairs to ensure that each telephone call, text message, or other communication that their crisis line receives is answered in a timely manner by a person. GAO found that VA did not meet its call response time goals for the Veterans Crisis Line and that some test text messages did not receive responses.

Financial Benefits to the Federal Government from GAO's Work

GAO's findings and recommendations produce measurable financial benefits for the federal government. Examples include financial benefits resulting from changes in business operations and activities, the restructuring of federal programs, or modifications to entitlements, taxes, or user fees.

In fiscal year 2016, we exceeded our target of $50.0 billion in financial benefits by $13.4 billion, reaching $63.4 billion in benefits for the government. This is a return of about $112 for every dollar invested in us. Key financial benefits arising from our work included:

- reducing improper payments in the Medicare Advantage Program (about $21.4 billion);
- increasing the use of strategic sourcing by the VA to reduce procurement costs (about $3.6 billion); and
- improving cost estimates for the DOD's Bulk Fuel Operation and Maintenance budget (about $2.3 billion).

Program Benefits

Many other benefits resulting from our work cannot be measured in dollars, but lead to program and operational improvements. In fiscal year 2016, agencies and Congress implemented 1,234 of these other benefits. For example, our work on public safety and security:

- prompted DOT to enhance its oversight of roadside safety hardware (e.g., guardrails), including a new process to verify third-party crash-test results;
- led the Consumer Financial Protection Bureau (CFPB) to issue a comprehensive data privacy protection plan and develop procedures to mitigate privacy risks and remove personally identifiable information from the consumer data that it collects;
- induced the Army to complete a mission risk assessment on planned support unit force reductions, and assess options to minimize such risks;
- prompted the Federal Bureau of Investigation to (1) conduct audits to ensure that staff who submit face image searches comply with privacy laws and (2) undertake an operational review of its face recognition technology to see if it is meeting law enforcement user needs; and
- led the Department of State to enhance its management of transportation-related security risks to better protect U.S. diplomatic personnel and their families when posted overseas.

Similarly, our work related to vulnerable populations:

- addressed protection of children including: identifying (1) safety and health issues at Indian school facilities and the need for better federal coordination to assist K-12 schools with emergency preparedness, (2) the need for better use of data to help agencies identify disparities in K-12 education, and (3) the importance of further assisting states to keep foster children in family based care;
- prompted the Federal Trade Commission and CFPB to issue consumer advisories to reduce the exploitation of vulnerable people regarding pension advances;

- prompted VA to improve the accuracy of the data collected on veteran suicides across its medical centers to better inform suicide prevention efforts; and
- led the Department of Education to enhance assistance for homeless youth in planning for college, navigating the admissions process, and applying for federal student aid.

Testimonies and Digital Media

In fiscal year 2016 senior GAO officials testified 119 times before 69 separate committees or subcommittees on issues that touched virtually all major federal agencies.

We also engaged key stakeholders on social and digital media. Our testimonies, reports, and legal decisions appeared in nearly 40,000 twitter feeds. Watch Blog, which provides context about our work, has been viewed more than 165,000 times. Figure 1 shows examples of topics we testified on in fiscal year 2016, by strategic goal.

Figure 1: Selected GAO fiscal year 2016 Testimonies

Goal 1: Address Current and Emerging Challenges to the Well-Being and Financial Security of the American People	
• Addressing Improper Payments in the Supplemental Nutrition Assistance Program	• Safeguarding Transport of Spent Nuclear Fuel
• Improving Oversight of the Small Business Administration's HUB Zone Program	• US Postal Service Management Challenges
• Timely Handling of Veterans' Health Care Claims	• Overseeing the Nuclear Security Enterprise
• Controls for Preventing Human Trafficking	• Commercial Space Industry Developments and FAA Challenges
• Reforming Regulation of Scientific Research	• Improving Medicaid's Allocation to States
• Ensuring Safety and Health at Indian Schools	• Managing and Leasing Federal Real Property
• Managing Federal Agencies' Vehicle Fleets	

Goal 2: *Respond to Changing Security Threats and the Challenges of Global Interdependence*	
• Addressing NASA's Management Challenges for Major Acquisition Projects	• Improving DOD's Whistleblower Protections
• Meeting Pilot Workforce Needs for Unmanned Aerial Systems	• Implementing SEC's Conflict Minerals Rule
• Addressing Acquisition Shortfalls with the Ford Class Aircraft Carrier	• Combatting Nuclear Smuggling
• Reducing Migration of Unaccompanied Children from Central America	• Addressing IT Security and Identity Theft
• Oversight of Humanitarian Aid to Syria	• Providing Data on Proposed Assistance to Palau
• Future Access and Capabilities Challenges for Trusted Defense Microelectronics	• Enhancing National BioSurveillance Capacity
• Addressing Southwest Border Security	
Goal 3: *Help Transform the Federal Government to Address National Challenges*	
• DATA Act Implementation Challenges	• Oversight at High Containment Laboratories
• Observations on the Zika Virus Outbreak	• Addressing Numerous IT Challenges at the VA
• Improving Enrollment Controls for Medicare Providers and Suppliers	• Addressing Government-Wide Improper Payments and the Tax Gap
• Reducing Fragmentation, Overlap, and Duplication in Federal Programs	• Improving Oversight of DHS' Human Resources IT
• Addressing Cyber-based Risks to Federal Systems	• Recruiting and Retaining Millennial Employees in the Federal Workforce
• Modernizing Federal IT Systems	• Improving Management of IT for the 2020 Census
• Improving Integration of VA and DOD Electronic Health Records	• Improving Federal Financial Management
• Improving IRS's Efforts to Protect Taxpayer data and Combat Identity Theft Refund Fraud	

Source: GAO | GAO-17-1SP

High-Risk Program Update

Every two years GAO publishes our high-risk list that highlights federal programs and operations that are especially vulnerable to waste, fraud, abuse and mismanagement, or that need transformative change.

GAO's 2017 edition reported that many of the 32 high-risk areas on the 2015 list have shown solid progress (Enclosure I). Twenty-three high-risk areas, or two-thirds, have met or partially met all five criteria for removal from the High-Risk List; 15 of these areas fully met at least one criterion. Progress in high risk areas over the past decade resulted in financial benefits totaling approximately $240 billion, or an average of $24 billion per year.

Progress has been possible through the concerted efforts of Congress and leadership and staff in agencies. For example, Congress enacted over a dozen laws since GAO's last report in February 2015 to help address high-risk issues.

GAO removed one high-risk area on managing terrorism related information, because significant progress had been made to strengthen how intelligence on terrorism, homeland security, and law enforcement is shared among federal, state, local, tribal, international, and private sector partners.

Sufficient progress was made to remove segments of two areas related to supply chain management at DOD and gaps in geostationary weather satellite data.

Two high-risk areas expanded: DOD's polar-orbiting weather satellites and the Department of the Interior's restructuring of offshore oil and gas oversight. Several other areas need substantive attention including VA health care, DOD financial management, ensuring the security of federal information systems and cyber critical infrastructure, resolving the federal role in housing finance, and improving the management of IT acquisitions and operations.

GAO added three areas to the High-Risk List, bringing the 2017 total to 34:

- **Management of Federal Programs That Serve Tribes and Their Members.** GAO has reported that federal agencies, including the Department of the Interior's Bureaus of Indian Education and Indian Affairs and the Department of Health and Human Services' Indian Health Service, have ineffectively administered Indian education and health care programs and

inefficiently developed Indian energy resources. Thirty-nine of 41 GAO recommendations on this issue remain unimplemented.

- **The 2020 Decennial Census.** The cost of the census has been escalating over the last several decennials; the 2010 Census was the costliest U.S. Census in history at about $12.3 billion, about 31 percent more than the 2000 Census. The U.S. Census Bureau plans to implement several innovations including IT systems for the 2020 Census. Successfully implementing these innovations, along with other challenges, would minimize risks to the Census Bureau's ability to conduct a cost-effective census. Since 2014, GAO has made 30 recommendations related to this area; however, only 6 have been fully implemented.

- **U.S. Government's Environmental Liabilities.** In fiscal year 2016 this liability was estimated at $447 billion (up from $212 billion in 1997). The Department of Energy is responsible for 83 percent of these liabilities and DOD for 14 percent. Agencies spend billions each year on environmental cleanup efforts, but the estimated environmental liability continues to rise. Since 1994, GAO has made at least 28 recommendations related to this area; 13 are unimplemented.

Details on each high-risk area can be found at http://www.gao.gov/highrisk/overview.

Opportunities to Reduce Fragmentation, Overlap, and Duplication

Since 2011, we have reported on federal programs, agencies, offices, and initiatives that have duplicative goals or activities as well as opportunities to achieve greater efficiency and effectiveness that result in cost savings or enhanced revenue collection.

GAO's 2017 annual report, our seventh, identifies 79 new actions that Congress and executive branch agencies can take to improve the efficiency and effectiveness of government in 29 new areas. Of these, GAO identified 15 areas in which there is evidence of fragmentation, overlap, or duplication.

For example, GAO found that the Army and Air Force need to improve the management of their virtual training programs to avoid fragmentation and better acquire and integrate virtual devices into training to potentially save tens of millions of dollars.

GAO also identified 14 areas to reduce the cost of government operations or enhance revenues. For example, GAO found that the Department of Energy could potentially save tens of billions of dollars by improving its analysis of options for storing defense and commercial high-level nuclear waste and fuel.

Congress and executive branch agencies have made progress in addressing the 645 actions that GAO identified from 2011 to 2016. Congressional and executive branch efforts to address these actions over the past 6 years have resulted in roughly $136 billion in financial benefits, of which $75 billion has accrued and at least an additional $61 billion in estimated benefits is projected to accrue in future years.

To manage our congressional workload, we continue to take steps to ensure our work supports the highest congressional legislative and oversight priorities while focusing on areas with the greatest potential for results, such as cost savings and improved government performance.

Managing Workload by Focusing Resources on Congressional Priorities

We actively coordinate with congressional committees in advance of new statutory mandates[1] by identifying mandates in real time as bills are introduced, participating in ongoing discussions with congressional staff, and collaborating to ensure that the work is properly scoped and consistent with the committees' highest priorities.

In fiscal year 2016, we devoted 97 percent of our engagement resources to work requested or mandated by the Congress. The remaining 3 percent was initiated under the Comptroller General's authority.

Chairs and Ranking Members of committees and subcommittees are regularly consulted for feedback on our performance. Their priorities ensure we maximize the return on your investment in us.

We continue to collaborate with the Congress to revise or repeal mandated reporting requirements which have, over time, lost relevance or usefulness. For example, we worked with the armed services committees to have three mandates repealed or revised in the 2017 National Defense Authorization Act (PL 114-328). In addition, in December, 2016, Congress passed the GAO Mandates Revision Act of 2016, which revised or repealed eight statutory reporting requirements (PL 114-301).

[1]Congressional mandates include requirements directed by statutes, congressional resolutions, conference reports, and committee reports.

GAO's Strategic Plan

GAO's Strategic Plan provides a comprehensive roadmap for how our audit work will support the most important priorities of Congress and the American people. "Serving the Congress and the Nation 2014-2019 (GAO-14-1SP)" describes our goals and strategies for supporting Congress and the nation.

The Strategic Plan Framework (Enclosure II) summarizes the global trends affecting government and society, as well as the strategic goals and objectives that guide our work. We will issue the next update to our strategic plan in 2018.

To effectively assist the Congress, we perform not only oversight and insight work, but also foresight work to identify and explore the emerging issues that present both opportunities and significant risks for our nation. Building further foresight capabilities, including the ability to understand evolving trends and plan in a dynamic external environment, is an essential component to our support of Congress.

Internal Improvements

The hard work and dedication of our professional, diverse, multidisciplinary staff positioned GAO to achieve a 94 percent on-time delivery of our products in 2016. Our fiscal year 2016 performance continues to indicate that we provide staff with the necessary support to produce high-quality work.

We met our annual target for retention rate without retirements and exceeded our annual targets for the remaining six people measures, staff development, and staff utilization, effective leadership by supervisors, organizational climate, new hire rate, and retention rate with retirements.

In fiscal year 2016, we continued efforts to support and maximize our value by enabling quality, timely service to the Congress and being a leading practices federal agency. We made progress addressing our four internal management challenges, human capital management, engagement efficiency, information security, and telework.

We remain an employer of choice in the public sector. The Partnership for Public Service announced that we are one of the top places to work in the federal government. We improved our scores in 2016, rising to second place among mid-size agencies. We are ranked first for diversity and inclusion. Our ranking is a result of the dedicated efforts of the entire GAO team and our leaders' commitment to make our organization a great place to work.

We value our high-performing workforce. Management remains committed to work with our unions (IFPTE, Local 1921), the Employee Advisory Council, and the Diversity Advisory Council to make GAO a preferred place to work. We continue to monitor and address critical human capital management challenges, including the pending retirements of key subject matter experts, senior executives, and other key leaders. By the end of fiscal year 2017, 41 percent of our senior executives and more than 25 percent of our supervisory analysts will be eligible to retire.

Center for Audit Excellence

Public Law 113-235 authorized GAO to establish a Center for Audit Excellence (Center) to provide fee-based training, technical assistance and other products and services to domestic and international accountability organizations to promote good governance and enhance their capacity.

During fiscal year 2016, the Center's first year of operation, the Center provided fee-based training classes and audit-related technical assistance services to 10 federal, state, local and non-profit organizations. The Center helped to enhance the capacity of these organizations by providing training on topics such as internal control, performance auditing, audit planning, report writing, and statistical sampling and analysis. Also, in April 2016, the Center entered into a Memorandum of Agreement with the U.S. Agency for International Development (USAID) that provides a broad framework for collaborative efforts to strengthen the capacity of accountability organizations in developing countries that receive U.S. foreign assistance.

During fiscal year 2017, the Center has experienced increased demand for training and technical assistance services from both domestic and international accountability organizations. The Center has signed agreements and/or provided training classes to nine federal, state, and local government organizations thus far this fiscal year, including a package of five one-week training classes valued at $157,000 for one organization. Agreements with other domestic organizations are also under negotiation. Internationally, the Center is executing an agreement with the country of Georgia's Supreme Audit Office for $95,000 in training and technical assistance services to enhance the office's capability to conduct information technology audits. Finally, the Center is in the process of negotiating agreements with USAID and other donors to provide technical assistance services to other Supreme Audit Institutions.

Concluding Remarks

We value the opportunity to provide Congress and the nation with timely, insightful analysis on the challenges facing the country. Our fiscal year 2018 budget requests the resources to ensure that we can continue to address the highest priorities of the Congress.

Our request will allow us to continue building our staffing level and provide our employees with the appropriate resources and support needed to effectively serve the Congress. This funding level will also allow us to continue efforts to promote operational efficiency and address long-deferred investments and maintenance. We will also continue to explore opportunities to generate revenue to help offset our costs.

I appreciate, as always, your careful consideration of our budget and your continued support. This concludes my statement for the record.

Enclosure I: GAO's 2017 High Risk List

GAO's High-Risk as of September 30, 2016

High Risk Area	Year Designated
Strengthening the Foundation for Efficiency and Effectiveness	
▪ Improving Federal Programs that Serve Tribes and their Members (*new*)[a]	2017
▪ 2020 Decennial Census (*new*)	2017
▪ U.S. Government Environmental Liabilities (*new*)[a]	2017
▪ Improving the Management of IT Acquisitions and Operations	2015
▪ Limiting the Federal Government's Fiscal Exposure by Better Managing Climate Change Risk	2013
▪ Management of Federal Oil and Gas Resources	2011
▪ Modernizing the US Financial Regulatory System and the Federal Role in Housing Finance[a]	2009
▪ Restructuring the US Postal Service to Achieve Sustainable Financial Viability[a]	2006
▪ Funding the Nations Surface Transportation System[a]	2007
▪ Managing Federal Real Property	2003
▪ Strategic Human Capital Management[a]	2001
Transforming Defense Department Program Management	
▪ DOD Approach to Business Transformation	2005
▪ DOD Support Infrastructure Management[a]	1997
▪ DOD Business Systems Modernization	1995
▪ DOD Financial Management	1995
▪ DOD Supply Chain Management	1990
▪ DOD Weapon Systems Acquisitions	1990
Ensuring Public Safety and Security	
▪ Mitigating Gaps in Weather Satellite Data	2013
▪ Protecting Public Health through Enhanced Oversight of Medical Products	2009
▪ Transforming EPA's Processes for Assessing and Controlling Toxic Chemicals	2009
▪ Ensuring the Effective Protection of Technologies Critical to US Nations Security Interests[a]	2007
▪ Improving Federal Oversight of Food Safety	2007
▪ Strengthening Department of Homeland Security Management Functions[a]	2003
▪ Ensuring the Security of Federal Information Systems and Cyber Critical Infrastructure and Protecting the Privacy of Personally Identifiable Information	1997
Managing Federal Contracting More Effectively	
▪ DOD Contract Management[a]	1992
▪ DOE's Contract Management for the National Nuclear Security Administration and the Office of Environmental Management	1990
▪ NASA Acquisition Management	1990
Assessing the Efficiency and Effectiveness of Tax Law Administration	
▪ Enforcement of Tax Laws[a]	1990
Modernizing and Safeguarding Insurance and Benefit Programs	
▪ Managing Risks and Improving VA Health Care[a]	2015
▪ National Flood Insurance Program	2006
▪ Improving and Modernizing Federal Disability Programs	2003
▪ Pension Benefit Guaranty Corporation Insurance Programs[a]	2003
▪ Medicaid Program[a]	2003
▪ Medicare Program[a]	1990

[a] Legislation is likely to be necessary to effectively address this high risk area

Source: GAO | GAO 17-317

Enclosure II: GAO's Strategic Plan Framework

Serving the Congress and the Nation
GAO's Strategic Plan Framework

MISSION

GAO exists to support the Congress in meeting its constitutional responsibilities and to help improve the performance and ensure the accountability of the federal government for the benefit of the American people.

Trends Shaping the United States and Its Place in the World

National Security Trends | Fiscal Sustainability and Debt Challenges | Global Interdependence | Science and Technology Trends | Communications Networks and Information Technologies | Shifts in Governance and Government | Demographic and Societal Change

Goals	Objectives	
Provide Timely, Quality Service to the Congress and the Federal Government to... Address Current and Emerging Challenges to the Well-being and Financial Security of the American People related to...	▪ Health care needs ▪ Lifelong learning ▪ Challenges facing an aging population ▪ Effective system of justice ▪ Housing finance and viable communities	▪ Stable financial system and consumer protection ▪ Natural resources and the environment ▪ National infrastructure ▪ Benefits and protections for workers, families, and children
Respond to Changing Security Threats and the Challenges of Global Interdependence involving...	▪ Homeland security ▪ Military capabilities and readiness	▪ Foreign policy and international economic interests
Help Transform the Federal Government to Address National Challenges by assessing...	▪ Government's fiscal position and approaches to address current and projected fiscal gaps ▪ Federal government audit and internal control standards	▪ Major management challenges and program risks ▪ Fraud, waste, and abuse, and improvements in internal controls
Maximize the Value of GAO by Enabling Quality, Timely Service to the Congress and Being a Leading Practices Federal Agency by focusing on...	▪ Efficiency, effectiveness, and quality ▪ Diverse workforce and inclusive work environment	▪ Networks, collaborations and partnerships ▪ Human, information, fiscal, technological, and physical resources

CORE VALUES

Accountability | **Integrity** | **Reliability**

Source: GAO.

GAO Strategic Plan 2014-2019

GAO's Mission	The Government Accountability Office, the audit, evaluation, and investigative arm of Congress, exists to support Congress in meeting its constitutional responsibilities and to help improve the performance and accountability of the federal government for the American people. GAO examines the use of public funds; evaluates federal programs and policies; and provides analyses, recommendations, and other assistance to help Congress make informed oversight, policy, and funding decisions. GAO's commitment to good government is reflected in its core values of accountability, integrity, and reliability.
Obtaining Copies of GAO Reports and Testimony	The fastest and easiest way to obtain copies of GAO documents at no cost is through GAO's website (http://www.gao.gov). Each weekday afternoon, GAO posts on its website newly released reports, testimony, and correspondence. To have GAO e-mail you a list of newly posted products, go to http://www.gao.gov and select "E-mail Updates."
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Congressional Relations	Katherine Siggerud, Managing Director, siggerudk@gao.gov, (202) 512-4400, U.S. Government Accountability Office, 441 G Street NW, Room 7125, Washington, DC 20548
Public Affairs	Chuck Young, Managing Director, youngc1@gao.gov, (202) 512-4800 U.S. Government Accountability Office, 441 G Street NW, Room 7149 Washington, DC 20548

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Testimony of Ambassador John M. O'Keefe
Executive Director, Open World Leadership Center
Subcommittee on the Legislative Branch
Committee on Appropriations

Chairman Yoder, Ranking Member Ryan, and Members of the Subcommittee, thank you for the opportunity to present written testimony on the Open World Leadership Center.

Overview: I appreciate the opportunity to offer testimony on behalf of the Open World Leadership Center. The Open World Leadership Center (Open World or the Center) has served Congress through its international professional exchange program since our inception in 1999.

The Center administers the Open World program, one of the most effective American exchange programs for emerging democracies. The program has enabled more than 26,000 global leaders to engage and interact with Members of Congress, Congressional staff, and thousands of other Americans, many of whom are the delegates' direct professional counterparts.

The Open World program focuses on assisting Congress in its oversight responsibilities and on conducting exchanges that establish lasting professional relationships between the up-and-coming leaders of Open World countries and Americans dedicated to showcasing U.S. values and democratic institutions. The Center's nonpartisan nature as a legislative branch agency, independent from the priorities of any presidential administration, is an important asset of the program. The Open World program brings emerging federal and regional political leaders to the United States to meet their American counterparts and gain firsthand knowledge of how American civil society works. This hands-on and close up look at our processes – and the people who run them – has a unique impact on our delegates. The Open World experience provides the impetus for improvement; delegates return home and set to work creating change based on the models they have seen.

The "Soft" Power of Exchange: The elected officials and young professionals from across the former Soviet states and other countries who, thanks to Congress, come on the Open World program each year have seen the best of America up close and personal. They go back to their homes with an improved impression of our country and they share their positive impressions with their friends, family, community, and professional counterparts. These are the people that go into elected office, run cities, teach the next generation, and craft the foreign policy that directly affects the United States.

Open World's Legislative Branch Identity: A question that I hear every so often is, "Why is the Open World Leadership Center in the Legislative Branch?" The most compelling answer to this is simply that the placement in the Legislative Brach allows our program to engage influential, democracy-minded Russians and others from more closed countries – products of the Putin Generation looking for positive change – that would otherwise choose not to travel on an Executive Branch exchange. It can be a risky and reputation-damaging proposition for a Russian to come to the United States as a participant in an Executive Branch program. In April of 2017

Open World hosted five in-demand Middle East specialists from Russia. They were blunt in telling us that they felt secure on our program, in large part due to its legislative branch identity.

> "Open World appealed to the members of our delegation by being nonpartisan, politically neutral, and outside of executive branch politics. The programming fosters a free, open, deep and meaningful exchange of ideas between peers." – *Group Statement by Middle East Specialists from Russia, April 2017*

Furthermore, the Open World program is a proven asset to the Congress because it directly benefits their constituents. In 2016, Open World placed delegations of young professionals in all 50 states and brought the most members of parliament groups than ever before, 16.

Front Line against Fake News and Anti-American Propaganda: The Open World program is a proven effective method of directly combatting anti-American disinformation and propaganda being disseminated out of Moscow into its neighboring states as well as into other countries via sophisticated and well-funded communications methods such as the RT television channel. In the three years since Ukraine's Maidan Revolution and the subsequent illegal annexation of Crimea by the Russian Federation, the world has seen undisputed evidence that Russian troll farms are blanketing airwaves and the Internet with stories designed to disrupt the news cycle. Through our embassy in Kyiv and other sources we find European-minded, anti-corruption activists and young Members of Parliament that see a great opportunity in participating in the Open World program.

Similar Russian tendencies are at play in Georgia and Moldova, both European Union-oriented governments and with regions mired in frozen conflicts with Russia. Open World directly engages members of parliament from both countries as well as their leading NGO and social services influencers.

Keeping Russia Close: U.S.-Russia relations continue to be strained. In fact, it is reminiscent of a time 18 years ago when our founder Librarian of Congress Emeritus Dr. James H. Billington grew increasingly concerned about our two country's relations during the NATO action in Yugoslavia. He envisioned a mini-Marshall Plan to keep goodwill strong at the grassroots level, when our diplomatic efforts were at a stalemate. Dr. Billington took his concerns not to the State Department, not to private international funders, but to Congress, to the Appropriations Committee, in fact, because it was his vision that a new model of exchange program would support the international oversight activities of U.S. legislators. They agreed with Dr. Billington, in effect creating a new support agency for the Congress. In 1999, the nascent Open World program brought over 2,000 Russians to the United States for professional programming hosted by their American counterparts, including Members of Congress, all across the country.

Today, the Open World Leadership Center continues to conduct a highly-regarded international exchange program in the United States Legislative Branch and plays an increasingly vital role in the political landscapes of many countries throughout Eurasia, and in particular, Russia and Ukraine. Open World has supported leaders who, early in their careers, have become influential within their communities and in the national arena. For example, Alexei Navalny, Russia's most well-known Kremlin critic was an unknown 29-year-old lawyer when he came on the Open

World program in 2005. Navalny was hosted in Dallas, Texas on the Local Governance theme and went on to rise in the ranks of a strong and active movement against Vladimir Putin. Navalny is only one example demonstrating Open World's expertise in selecting the most promising individuals to come on the program usually right at the moment that they are about to ascend in their profession. We communicate with these alumni, track their results, and present them to Congress to show how effective our exchange model is.

One profound insight our delegates derive from their experience in the U.S. is that elected officials truly are accessible and accountable to the citizens of their jurisdictions. Another powerful element, again consistently praised by our delegates, is the impact of home stays—delegates living with American families while in the United States. One delegate succinctly described "seeing an America I didn't know existed."

Congressional leadership is instrumental in advancing democracy and strengthening civil society worldwide. With its support by Congress Open World is a strategic long-term investment in our security, a matter of principle, and a crucial source of our international influence and strength. Open World is committed to these efforts while recognizing the possibility of uncertainty and setbacks, understanding that progress requires our unwavering dedication to enduring principles and goals.

Open World's Powerful Alumni Network: Open World maintains a vast alumni network across Russia, Ukraine, and the other countries of the former Soviet Union. Many members of the alumni 26,000-strong community are active in their communities, regions, and at the federal level. They are a valuable resource to our diplomatic missions abroad. The communications multiplier effect is a major result of the Open World program. Our alumni dispel myths and untruths about the United States and help promote a positive message about the American reality.

For Open World's Russia program, the objective is to have participants return to Russia with a more positive view of America; to add to their professional skills through direct contact with U.S. citizens engaged in similar work; and to counter the Russian information war by providing an objective view of the American people and our society. These programs are intense ten-day thematic visits to the U.S. that expose young and emerging Russian leaders to democratic practices, civil rights, good governance, transparency in media, sound health and education policy and practices, the provision of social services, and economic development strategies.

Open World has had enormous success in Russia due to a continuous low-key presence there since 1999 providing our colleagues from Russia with broad exposure to American democratic and free-market institutions.

Open World's Ukraine program helps Ukraine mature in the aftermath of revolution and enhance its leaders' skills and capabilities to advance the country's agenda. These programs come at a time when part of Ukraine has been annexed and it faces continuing Russian aggression in the East and South, and through Russian-controlled media.

The Open World program also focuses on the institutional development of civil society organizations and the promotion of democratic and economic reform. The subthemes of the program are aimed primarily at fighting corruption, promoting transparency and accountability in governance, furthering decentralization of power, and improving the business climate to enhance trade capacity, particularly as it relates to the agricultural and energy sectors.

Open World has had growing success in Ukraine as it has worked steadfastly there since 2003 to be responsive to its developmental and societal needs. More than 3,200 outstanding alumni now serve in leadership positions throughout the country. In 2016, Open World's 46 Ukraine programs were hosted in 44 U.S. communities in 32 states, providing our colleagues from Ukraine with broad exposure to American democratic and free-market institutions. To exemplify some programmatic results:

Open World is supporting its alumni in the Parliament and throughout the country's legal institutions to assist actual judicial reform. Open World works with its U.S. judicial partner, the International Judicial Relations Committee of the Judicial Conference of the United States (whose Head is chosen by the Chief Justice of the Supreme Court), on creating intense programs that outline a practical path toward judicial reform.

Two members of the new Cabinet of Ministers are Open World alumni. Open World alumni are in top leadership positions in the Ministry of Health, the Ministry of Education and Science, and the Ministry of Youth and Sports. The Prime Minister is a strong supporter of the project and has been a very active supporter of the Birmingham (Alabama) -Vinnitsa partnership program that Open World implements.

Open World alumni are among the leadership in Ukraine's Parliament and many others serve as key staff members. These dedicated alumni are eager to work with Open World to expand this element of programming.

Open World Strategic Goals: The Open World Leadership Center Strategic Plan for 2016–2020 builds on the excellent work done under the previous plan. We have adopted goals that will strengthen our work with members of Congress and continue to cement our legislative identity. The plan sets the Center's direction for the next five years. This iteration is an update that includes activities through 2020. The strategic plan review process includes an effort to ensure that our goals are measurable and attainable, despite limited staff resources. Our performance measures, which are based on the Government Performance and Results Act, are challenging, though obtainable. The Center's three goals are to: ensure that the Center is a resource, an asset, and a sound investment for Congress; expand the reach of the Center to countries strategically important to the United States; operate as a model cost-effective, responsive agency.

Plans for 2017 and Beyond: In the ever-shifting landscape of U.S-Russian relations and our relations with other strategic countries in the region, the Open World Leadership Center is poised to address emerging issues such as: Anti-American sentiment; Countering Russia's influence; Global health concerns; and Democracy programs. Open World was designed to be and has remained agile and can create programming quickly to support Congress in their response to pressing international oversight issues.

Statement of

Susan Tsui Grundmann, Executive Director

Office of Compliance

Before the Subcommittee on the Legislative Branch,

Committee on Appropriations, United States House of Representatives

Fiscal Year 2018 Budget Request

June 12, 2017

Chairman Yoder, Ranking Member Ryan and Members of the Legislative Branch Subcommittee, thank you for allowing me the opportunity to submit for the record this statement regarding the budget request for Fiscal Year (FY) 2018 for the Congressional Office of Compliance (OOC).

Congress created the OOC to administer the Congressional Accountability Act of 1995 (CAA) and the 13 federal workplace laws incorporated in the law. We ensure the integrity of a dispute resolution system, carry out an education and training program that assists employing offices and covered employees in understanding their rights and responsibilities under the CAA, advise Congress on needed changes and amendments to the CAA, and investigate and enforce the CAA's occupational safety and health protections, public access rights for persons with disabilities, and unfair labor practice provisions.

The OOC is requesting $4,055,902 for FY 2018 operations, which represents a 2.4% increase from the FY 2017 enacted level. Of the additional $96,902 that is being requested, 87% reflects a projected increase in personnel, benefits, and other personnel compensation. The remaining FY 2018 budget request focuses on supporting the most important aspects of the statutory functions of the OOC and improving the delivery of services to the covered community.

Administrative Dispute Resolution Program

The cornerstone of the CAA is the confidential administrative dispute resolution (ADR) process, which consists of counseling, mediation, and adjudicative hearings and appeals. The OOC staff remains committed to administering an effective ADR program by providing a neutral, efficient, and confidential process for resolving workplace disputes. We strive to ensure that stakeholders have full access to these ADR procedures.

We continue to improve our newly-launched electronic case management system to bring the OOC's procedures in line with current best practices. This electronic functionality dramatically increases our efficiency by enabling us to streamline delivery of our services to the congressional community, as well as to trend data and generate detailed reports.

Education and Outreach Program

Along with providing an effective ADR program, the OOC administers an Education and Outreach program for the covered community. The most effective investment an organization can make in preventing discrimination continues to be a comprehensive training program. Our education programs also emphasize the benefits of fair and inclusive work environments on workforce productivity.

Our education and outreach efforts have recently migrated to a digital based platform. This shift in focus is essential in carrying out our statutory training mandate. To continue to fulfill the education mandate in the CAA, our budget request reflects the need to further expand our efforts and include technical enhancements to allow additional and more interactive modules in our online and interactive Learning Management System.

We also remain dedicated to in-person training on important topics of workplace safety and health and fairness. The OOC requests an additional FTE, and the funding to support an increase in staffing, to hire an educator and respond to employing offices' needs for in-person training on workplace rights. Currently, OOC staff members provide in-person training along with a myriad of other duties including internal communications, government affairs, litigation, and public relations. However, there is no FTE solely responsible for instructing the entire legislative branch. The OOC needs at least one additional staff member to exclusively develop and deliver training to the covered community. This will significantly advance our education program and allow us to work more closely with the human resources staff of the employing offices, thus ensuring that covered employees are informed of their rights and responsibilities under the CAA as mandated by Congress in 1995.

Safety and Health, Public Access, and Unfair Labor Practices

Our budget request also reflects the OOC's continuing efforts to ensure safe and accessible congressional workplaces through its OSH and ADA biennial inspections, as well as its case work investigating and abating safety issues, finding and removing barriers to access in congressional facilities and programs, and investigating and resolving allegations of unfair labor practices. By working directly with the AOC, the USCP, and other offices on the Hill, the OOC has been instrumental in the development and implementation of cost-effective solutions to safety and access problems and in the resolution of unfair labor practice charges. We recently completed our biennial inspections for the 114th Congress and, in partnership with the National Safety Council, issued Safety Recognition Awards to the Member offices that were found to be hazard-free during the OSH inspection. During the 115th Congress, the OOC will continue to stress safety and health for all Member offices.

The balance of the 2.4% increase covers increases in contract services, including cross servicing providers, equipment, supplies and other services needed to operate the OOC. The services include professional development of the staff and technical support to boost our presence in the

ever-growing social media environment on the Hill, which presents an opportunity to highlight best practices and provide important information to employees who have little time for training updates.

The OOC staff and I are available to answer any questions or address any concerns the Chair of the Subcommittee or its Members may have.

Respectfully submitted,
Susan Tsui Grundmann
Executive Director

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