

**LEGISLATIVE BRANCH APPROPRIATIONS  
FOR 2019**

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

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**PART 2**

**FISCAL YEAR 2019 LEGISLATIVE BRANCH  
APPROPRIATIONS REQUESTS**



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# CONTENTS

## TESTIMONY

	Page
U.S. Capitol Police .....	1
Government Publishing Office .....	27
Architect of the Capitol .....	57
Members of Congress and Outside Witnesses .....	85
Office of Compliance .....	213
Congressional Budget Office .....	251
Government Accountability Office .....	273
Library of Congress .....	323
House of Representatives .....	363

## PREPARED STATEMENT

Open World Leadership Center .....	447
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# **LEGISLATIVE BRANCH APPROPRIATIONS FOR 2019**

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WEDNESDAY, APRIL 11, 2018.

## **UNITED STATES CAPITOL POLICE**

### **WITNESSES**

**MATTHEW R. VERDEROSA, CHIEF OF POLICE**  
**STEVEN A. SUND, ASSISTANT CHIEF OF POLICE**  
**RICHARD L. BRADDOCK, CHIEF ADMINISTRATIVE OFFICER**

### **OPENING REMARKS CHAIRMAN YODER**

Mr. YODER. I call the meeting to order. Thank you, everybody, for coming today. It seems like just a couple of weeks ago, we were working on the 2018 bill, because we were, and now we are ready to get to work on our 2019 legislation. We are going to have to move quickly, given where we are in the calendar. So I appreciate everybody coming to the hearing this week. We have got two more hearings tomorrow, so it will be a busy week. And I know that there are a lot of hearings on the other 11 subcommittees going, so people may come and go because they have other legislative business.

I want to thank the Chief of Police for attending today, along with his team, and I appreciate all of your service to the Capitol, to the visitors that come here, constituents, to the people that come to our buildings to conduct the business of the American people, of course, the elected Representatives, who have been targets of many threats over the last year and some of which were acted out. The work of your team at the shooting in Virginia last year was remarkable, and we are thankful for the lives that were saved because of the folks who work for you. So thanks for being here.

And I thank my team. I have Jenny, Tim, and Joe in my office who are here with us today. We will get started on the 2019 bill. I would like to welcome all the subcommittee members back.

As we start consideration of the fiscal year 2019 budget request, I look forward to working together again on putting together a legislative branch appropriations bill that adequately addresses the needs of our agencies so they can carry out their respective missions while at the same time balancing fiscal restraint. We have important work before us in being good stewards of taxpayer dollars as they are spent on the legislative branch, and I am glad to formally begin our hearing season.

I want this committee to work in a bipartisan and collaborative basis, as is the tradition of this committee, and I invite our members to recommend additional site visits or items which they be-

lieve would be important for us to achieve our mission in writing this upcoming bill.

This year, as chairman, I have decided to expand the number of hearings we will hold. Our subcommittee will consider a fiscal year 2019 budget request of \$4.9 billion, which is \$200 million over the fiscal year 2018 allocation. I felt it was important to hear from more of our agencies through in-person testimony in order to more thoroughly scrutinize the requests and help fulfill our responsibility of ensuring every taxpayer dollar appropriated is done so responsibly.

Today I would like to welcome the Capitol Police back to the committee to hear their testimony regarding their fiscal year 2019 budget request. Testifying before us, we have Chief Matthew Verderosa. Accompanying him is Assistant Chief Steven Sund and Chief Administrative Officer Richard Braddock.

I would like to take a moment again to thank all the officers and civilians of the Capitol Police for their service. Their presence allows Members and staff to freely conduct and safely conduct the people's work and ensures the visitors can safely enjoy their time on Capitol Hill.

As mentioned, the shooting in Alexandria last year is still very much on all of our minds. This incident shook all of us in this Capitol Building. And I am pleased to hear that Special Agent David Bailey has returned to work and that Special Agent Crystal Griner continues to make strides in her recovery. They are both heroes and have been an inspiration to us all.

In response to the shooting, the department identified the need for additional funds that could go to remediating some of the lessons learned and bolstering their efforts to make sure something like this doesn't happen again. Although a bit delayed, I am happy those funds were made available in the recently passed omnibus.

Chief, your budget request for fiscal year 2019 is \$456.4 million. This is approximately a 7-percent increase from the fiscal year 2018 enacted level. I understand the Capitol Police is continuously asked to expand their role: from securing the O'Neill House Office Building to garage security to more prescreeners to additional dignitary protection, and the list goes on.

Chief, I appreciate your leadership and efforts in trying to meet these additional responsibilities while at the same time making sure that day-to-day operations of the department continue. Having said that, this committee has a responsibility to scrutinize this request and to take a holistic approach across all the legislative branch agencies when determining where to allocate funds.

Since sequestration, the Capitol Police annual appropriations have increased more than 32 percent, while most legislative branch agencies have only received a modest increase. Obviously, we have many competing priorities, but keeping our Capitol safe, making sure that we adequately train and support our officers, making sure they have the tools and equipment to do their jobs remains the top priority of this committee. And we are so thankful for the work of each and every one of you and the folks that report to you and work to keep us safe.

We are going to come back to Ranking Member Ryan's opening remarks. And at this point, Chief, we will make your opening statement part of the record.

OPENING STATEMENT OF CHIEF OF POLICE MATTHEW R. VERDEROSA

Chief VERDEROSA. Thank you, Mr. Chairman and members of the subcommittee. I appreciate the opportunity to present the department's budget request for fiscal year 2019. I am joined today by Chief of Operations, Assistant Chief Steve Sund; Mr. Richard Braddock, my Chief Administrative Officer; as well as members of my executive team. We are also joined here today by Acting Inspector General Michael Bolton and USCP Fraternal Order of Police Chairman Gus Papathanasiou.

First, 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. Since I last appeared before the committee, the department has effectively managed an ever-increasing number of demonstrations and swiftly responded to critical incidents, civil disobedience, and has investigated numerous credible threats made against Members of Congress and the Capitol.

Most notably, our mission to protect and serve was thrust into the national spotlight on June 14, 2017, after a gunman fired shots during the Republican congressional baseball team's practice in Alexandria, Virginia. And our own highly trained special agents responded swiftly and heroically, preventing a serious tragedy. I am happy to report that both agents are back to work. Though Crystal is back on a limited basis, we expect full recovery as well, and she should be back to full duty hopefully by the year anniversary of the incident.

The Department also received its sixth consecutive accreditation from the Commission on Accreditation for Law Enforcement Agencies. We were awarded CALEA's Gold Standard with Excellence, the highest rating a law enforcement agency can receive during the evaluation process. This distinction is a real testament to the professionalism of our workforce and demonstrates that we consistently implement the best law enforcement practices.

I am extremely proud of the department and our responses to the extraordinary events over the past year. No one could have predicted all that we have encountered, but our officers are trained to face each crisis and challenge, and we must always be prepared to face the unimaginable.

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 dynamic nature of the current threats. We are truly grateful for your keen understanding of the complexity of our mission and the challenges that we face.

We have developed our fiscal year 2019 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 complex safe and secure. Our overall fiscal year 2019 budget request is \$456.4 million and represents an increase of 7 percent over fiscal year 2018 enacted levels.

As we experienced on the ballfield in Alexandria last June, occurrences of homegrown violent lone wolf episodes are on the rise. Across the world, we continue to see more and more terrorist organizations attack public venues. As a result, our officers must look at every event on the Capitol Grounds, whether it is a mass demonstration, a concert, traffic stops, or even the simple act of Members crossing the street for a vote, as a potential target or threat.

Based on the increase in terrorist and domestic mass casualty events and upon studying the attacks displayed by known assailants, we continuously review our operational and tactical postures to ensure that we are taking every measure possible to maintain the security of the complex, while allowing the legislative process to continue to function in an open environment, and protecting individuals' First Amendment rights.

Therefore, working in concert with the Capitol Police Board, the department is continuing to deploy additional screening of various means throughout the complex. This involves deploying security measures to better secure and screen at building access points.

Our fiscal year 2019 budget request includes base funding for 1,943 sworn and 420 civilian positions and requests half-year funding for an additional 72 sworn officers and 20 civilian positions. These additional sworn personnel will be utilized to enhance the department's ability to detect, impede, and address the threats that currently exist and continue to evolve. Additionally, we are requesting one civilian position for the Office of Inspector General for the purposes of furthering their work on addressing potential cybersecurity threats.

Our request includes funding for items such as protective travel, supplies and equipment, management systems and technology upgrades and other nonpersonnel needs. The funding for these requirements 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, restoring annual levels reduced in previous fiscal years to meet the vital department needs.

Mr. Chairman, the Capitol Police is the only department in the Nation that does what we do with such high visibility in the way in which we do it. Mission focus will always be the key focus to our ability to be successful, to serve and protect, to ensure employees go home safely every day. Congress relies on us to do our jobs so that they may do the people's work in a free and open manner in the people's house.

In closing, I just want to assure the committee that the Capitol Police is committed to always being at the ready to ensure that the Capitol complex is safe and secure. We will continue to work closely with you and your committee staff to ensure that we meet the needs and the expectations of Congress as well as our mission in a reasonable and responsible manner.

Again, I thank you for the opportunity to appear before you today, and I will be pleased to answer any questions you may have.

[The prepared statement 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**

**April 11, 2018**

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 2019. 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; General Counsel Gretchen DeMar; Chief Financial Officer Dominic Storelli; and Acting Inspector General Michael Bolton. Also joining me today is USCP Fraternal Order of Police (FOP) Chairman Gus Papathanasiou, as well as USCP International Brotherhood of Teamsters Chair Karen Gray-Thomas.

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 to the entire Congress for providing the necessary funding to support our personnel and operations.

Since I last appeared before the Committee, the Department has effectively managed an ever-increasing number of demonstrations, has swiftly responded to critical incidents and civil disobedience, and has investigated numerous, credible threats made against Members of Congress or the U.S. Capitol. Most notably, our mission to protect and serve Congress was thrust into the national spotlight on June 14, 2017, after a gunman fired shots during the Republican Congressional baseball team's practice, and our own highly-trained Special Agents responded swiftly and heroically; preventing a serious tragedy.

The Department also received its sixth consecutive accreditation from the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA). We were awarded CALEA's Gold Standard with Excellence – the highest rating a law enforcement agency can receive during the evaluation process, which is reserved for Departments that exhibit strong organizational health. The U.S. Capitol Police was further recognized for having been accredited for 15 or more continuous years with the enhanced Certificate of Meritorious Accreditation. Receiving this distinction demonstrates how much the Department has grown and matured since receiving our first accreditation in November 2002. All of these distinctions are a real testament to the professionalism of our workforce, and it demonstrates that we are constantly implementing the best law enforcement practices.

I am extremely proud of the Department and our responses to the extraordinary events of the past year. No one could have predicted all that we have encountered, but our officers are trained to face each crisis and challenge, and we must always be prepared to face the unimaginable. We know that 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 are always aware that any threat can change very quickly as 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 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 2019 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 Complex safe and secure. Our overall Fiscal Year 2019 request is \$456.4 million, and represents an increase of seven percent over Fiscal Year 2018 enacted levels.

As with all law enforcement agencies, personnel salaries and overtime make up the majority of our annual budget. Conversely, we could not do what we do without our dedicated law enforcement officers and professional civilian staff. We have continuously worked throughout the Department to effectively and prudently allocate our existing resources to achieve the best possible staffing balance to meet mission requirements. We regularly analyze 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.

Even utilizing these various strategies, the types of threats we are seeing and responding to are changing every day. Today, there are no routine activities for law enforcement officers. The reality is that the Capitol Complex remains an attractive target to foreign and domestic terrorists, homegrown violent extremists, other lone offenders, and political extremists. These threats could take the form of an active shooter, vehicle ramming, improvised explosive devices, drones, chemical or biological substance releases, or any combination of these tactics.

As we experienced on that baseball field in Alexandria, Virginia, last June, occurrences of homegrown, violent extremist “lone wolf” episodes are on the rise. Lone offenders, in particular, are nearly impossible to detect due to their ability to keep their plans hidden and the prevalence of encrypted communications. Across the world, we continue to see more and more terrorist organizations attacking public venues. In just the past year, we have seen an escalation in the number of mass casualty events in our own country.

As a result, our officers must look at every event on the Capitol Grounds – mass demonstrations, concerts, traffic stops, and even the simple act of Members crossing the street for a vote, as a potential target for a threat. Our officers continually assess each activity they see for any risks to the safety and security of the Capitol Complex.

Based on this increase in terrorist and domestic mass casualty events and upon studying the tactics displayed by known assailants, the U.S. Capitol Police continuously reviews our operational and tactical postures to ensure that we are 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, and protecting individuals' First Amendment rights. While we do not know of any imminent threat on the U.S. Capitol or the legislative process, we must be prepared to respond effectively to any threat that may present itself.

Therefore, working in concert with the Capitol Police Board, the Department is continuing to deploy additional screening of various means throughout the Capitol Complex. This involves deploying security measures to better secure and screen at building access points.

Over the past year, the Department has identified areas to modify or eliminate mission requirements to offset these additional security priorities. We also reviewed duties currently performed by sworn personnel and began to civilianize several positions so that officers could be reassigned to duty stations that utilized their specialized training and skills to further meet operational requirements.

Our Fiscal Year 2019 budget includes base funding for 1,943 sworn and 420 civilian positions, and requests half-year funding for an additional 72 sworn officers and 20 civilian positions. These additional sworn personnel will be utilized to enhance the Department's ability to detect, impede, and address threats that currently exist and continue to evolve. Additionally, we are also requesting one civilian position for the Office of Inspector General for the purposes of furthering their work on addressing potential cybersecurity threats.

To support these efforts, the Fiscal Year 2019 funding request reflects a 6.57 percent increase over the Fiscal Year 2018 enacted level for personnel costs. This increase is necessary to address 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 2019 are funded, the Department's overtime projection is approximately \$43.7 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 \$81.5 million for general expenses, which is an increase of \$6.7 million over the Fiscal Year 2018 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.

As the Chief of Police, it is my fiduciary responsibility to look at every opportunity 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 eight 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 2019 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 would like to take the opportunity to thank Fay Ropella who served as the USCP Inspector General for five years, and was instrumental in guiding the Department's efforts to become more effective and efficient. She retired from federal service at the end of March, and we all wish her the best in retirement. As we continue to work to further the mission of the Department, we look forward to working with Mr. Bolton in his role as the Acting Inspector General.

Mr. Chairman, the United States Capitol Police is the only police department in the nation that does what we do and with the high visibility in which we do it. Mission focus will

always be the key to our ability to be successful, to serve and protect, and to ensure our employees go home safe every day. The Congress relies on us to do our jobs so that they may do the people's work in a free and open manner in the "People's House."

In closing, 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 2019 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 that you may have.

Mr. YODER. Thank you, Chief. I appreciate your opening testimony.

#### OPENING REMARKS OF RANKING MEMBER RYAN

I would now like to call upon my good friend from Ohio, Ranking Member Ryan, for his opening remarks.

Mr. RYAN. Thank you, Mr. Chairman. I apologize for being late.

I want to thank our guests here. I am going to be very brief and just say we are very thankful for your service. I think we found out last year exactly how important the mission is of the United States Capitol Police, and that was reflected in the increase in the budget. And so I look forward to hearing the rest of the testimony and having questions and answers, and would just like to thank my friend the chairman for his great work, and we have developed a great relationship and our staffs have developed a great relationship. And I very much look forward to hearing what you have to say and help you out the best we can and also talk through some of the issues we have. So thank you.

I yield back.

Mr. YODER. The gentleman yields back.

#### RETIREMENT AGE WAIVER

Chief, one of the things we have discussed over the last year or so relates to the retirement age waiver. And it is my understanding that the waiver has been granted now for several years, and there has been some discussion about making the waiver permanent.

Could you explain to the committee what the age requirements are, how the waivers work, and what options we have before us as a Congress to continue that waiver or go back to current law or to maybe make some permanent changes?

Chief VERDEROSA. Yes, sir. It is a great question. The Capitol Police Retirement Act requires mandatory retirement at age 57. We are on parity as an agency with other law enforcement agencies in the Federal Government. We get the same law enforcement retirement benefits that other agencies receive, and that is the ability to retire after a certain number of years of service, the ability to receive a Social Security supplement. The ability to maintain a rigorous workforce is the reasoning for the age 57.

The Capitol Police Board has the ability to grant a waiver if it is in the public interest to extend the retirement age to age 60. During the fiscal year that began last year, we approached the Board and we asked the Board to make that waiver for the purpose of keeping and retaining employees while we endeavor to build up our ranks to cover the Board initiatives that we talked about over the years. It is a multiyear initiative for the security of House broad security, for scanners, prescreeners, and the like. It is a great tool. Over the years since the Capitol Police Retirement Act has been in place, the Board has waived that mandatory retirement age on several occasions. The last group blanket coverage was when we merged with the Library of Congress. Those employees were able to, when they came over to the Capitol Police, remain, in an attempt to get to the 20-year requirement for service to be vested.

I believe that it is important to work for all of the best benefits that I can for my employees. They really do work; they diligently work to keep this facility safe, the complex safe. In raising the age, it provides us with the ability to retain people. My only concern really is to make sure that we don't jeopardize the law enforcement benefits that it took us so long to achieve in terms of the Office of Personnel Management's interpretation of the retirement regulations. If we could raise the age, in terms of 60, without losing the parity we have with other law enforcement agencies in terms of retirement, I think it is something that is a viable option.

Right now, we have until September 30, 2020, to waive the mandatory retirement age to 60 for all employees that are employed at this time. We also have raised the maximum hiring age from 37 to 40 so that we can hire recruits who may not have met that mark but still would be able to achieve a 20-year retirement. All of these initiatives go toward the purpose of retaining as many employees as we can until we get to the FTE level that would assist us in providing for all of the security initiatives that we talked about.

Mr. YODER. Well, it seems like you are certainly thinking through the different aspects of the money that can be saved, what is best for the employees, what is best for public safety, what is best to have a trained person there who knows their job, has been on the job for a long time, and knows what they are doing versus bringing a new person that there are training costs, all those factors.

To me, it seems like having this done on a sort of case-by-case or year-by-year basis creates a lot of uncertainty for your people. And so I would love to work with you guys to try to come up with maybe something that is a little more permanent so that we have some more predictability in how this would work.

Chief VERDEROSA. Absolutely. And my counsel is going to reach out to OPM to work with a retirement specialist to make sure that any changes that would be made would be consistent with retaining the law enforcement benefits that we achieved and also achieving the goal of keeping the experienced workforce possibly to age 60. I am happy to work with your staff on these important issues.

Mr. YODER. Okay. Thank you.

Mr. Ryan.

#### EVENT SECURITY

Mr. RYAN. Thank you, Mr. Chairman.

I want to just talk about event security. If you can tell us, again, given last year's situation that we all dealt with and the demands of us, especially in an election year and how busy we are these days, can you talk to us a little bit about any adjustments that you may have made over the course of the last year, lessons learned, and what we could expect coming into this year?

Chief VERDEROSA. Certainly. We will conduct an assessment on events that are occurring that involve Members of Congress in both Houses. We will look at the threat stream, all of the intelligence that is available. Obviously, there are those who come under the radar and who are not known to law enforcement—who may not pose an immediate known threat—however, nonetheless, are a serious threat. Given that, such a scenario, and based on additional re-

sources provided, which are much appreciated, we are moving towards providing a more elaborate security blanket. And it is really dictated by the type of activity. If you have an outdoor activity, obviously, it is going to drive more personnel to cover. For instance, we will be conducting sweeps, and we will put posts in areas we believe that are potentially problematic or provide a level of risk to Members.

We have a process in place where requests are made through the Sergeant at Arms Office. The Sergeant at Arms will delegate that task to our Protective Services Bureau. We will conduct the open source and any classified investigation, looking at threat assessment towards any type of activity that may be known, and then we will assess the need for personnel, based on time of day, venue, type of activity that is going on, notoriety, how much information is out there. Is this a planned or scheduled event? Is this a publicized event? All of those factors go into the analysis. Once that analysis is completed, we assign staffing to it. And that staffing can include not only dignitary protection agents, but it can include uniformed officers. It can include bomb technicians, SWAT team members, undercover officers who are looking for individuals out and about who may come to our attention.

We have a holistic approach to securing events, particularly large-scale. Any time we move large numbers of Members, we will do it in an organized fashion. The smaller—

Mr. RYAN. How has this changed? Have there been any changes that we can talk about at this level?

Chief VERDEROSA. We are absolutely placing more emphasis on the local events, outdoor events, where we are deploying more personnel and equipment in order to provide a safe environment for you to operate in, whatever the issue is, whether it is a ball game, whether it is a rally, or whether it is an organized event.

Certainly, for large-scale events here on the Capitol Grounds, we have a structure in place that we employ. We are going to change some of our parameters, in terms of our summer concert series and open air events. We deploy an all-hands-on-deck, all-capability type response for large gatherings here on the Capitol Grounds as well.

You will see, there will be some things that you do see and some things that you don't see, in terms of undercover officers. We leverage technology by using our camera system. We leverage all of those things that I can talk about in open and some of the things that we talk about that I can talk about in a closed environment to ensure that we have a holistic approach.

We absolutely are looking at the types of meetings and types of events that occur, particularly groups of Members. We are also applying a very deep focus on events in home districts. We work very closely with Members' staff and the law enforcement liaisons, to ensure that we have law enforcement coverage that can be arranged out of D.C. when you are at events in your home district.

#### PARTNERSHIPS WITH LOCAL LAW ENFORCEMENT

Mr. RYAN. And how is the interfacing going with local law enforcement, whether it is here, in the district or at a retreat that we do? Do you feel like that is as adequate?

Chief VERDEROSA. Yes, sir. We get outstanding commitment from our partners in law enforcement. Here in D.C., it is really no question. We have a great working relationship with the Metropolitan Police Department, with the FBI, the Secret Service, Federal Protective Service, Amtrak Police.

I have never seen in my 33 years—and I have talked extensively with the Assistant Chief about this, who has great experience from the Metropolitan Police point of view. I have never seen a better working relationship between threat information, any type of intelligence gathering, or any other type of information that comes forward.

We all realize that there is no small event anymore. They are all major events. You have to apply a level of security to all public events. It is the times. It is the way we are today. This is the state that we are in.

Outside the D.C. region, we get tremendous support from the local entities, the local police authorities, whether it is city, government, State police, whether it be a university police department. We share the information that we gather. We will make an assessment on all of these events. We will assess them. We will share the information with the law enforcement liaisons in your offices. We will share it with the local law enforcement.

If we deem, based on the information that we have gathered, that it is going to be problematic or there is going to be disruption, we may provide additional resources. We may deploy our own personnel as well. It is really dependent on the type of event, the particular circumstance. Last year, we did over 400 liaisons for Members, both House and Senate, in terms of outside events, outside of D.C., coordination activities.

We welcome the requests from the Member offices. Part of the funding that we received in 2018 goes toward personnel that do those types of liaisons and those types of investigations.

Mr. RYAN. Thank you.

I yield back, Mr. Chairman.

Mr. YODER. Mr. Amodei.

#### SCREENING TECHNOLOGY ADVANCEMENTS

Mr. AMODEI. Thanks, Mr. Chairman.

Good to see you, Chief.

Something that I wanted to ask your folks, obviously offline, but I think the special event that you folks do that is probably the largest is the one you do every day, and that is the one at the entrances to garages and buildings. And so, since I have been here, which seems like about a hundred years, but not that long, it seems to me that we are still kind of doing the same stuff with the same technology and that sort of thing, and maybe that is the state of the art. But as you go in and out many times and watch your folks working and you are sitting there, and some days, it is like, hey, it is all, you know, beer and horseshoes, at least for me, not for you guys, but other times, it is like it is a big sale and the place is jammed. I would just like to, offline maybe, visit with whoever the appropriate folks are in your staff and say: Hey, what is the newest and the best in terms of allowing your folks to still do the job that they are doing? But if there are advances in technology or

something like that and it just kind of boils down to we have been doing it this way for a while—maybe it is still the best way, but especially as we continue to go through the challenges for those people in the Cannon Building and as the Architect folks, you know, matriculate around the campus and create those new flows and problems and capacities, just something I would like to—schedule that if anybody else wants to listen and just kind of like say: Hey, if there are any new thoughts or any new mousetraps out there?

And, with that, I yield back.

Mr. YODER. Chief.

Chief VERDEROSA. Thank you. I appreciate the feedback. I agree with you. I think it always deserves a fresh look. We do have some proposals that I am working on with the Board that will not be in this fiscal year or likely the next, though in probably 2021, perhaps 2020, depending on the timing, we are going to bring forward some concepts that will change the dynamic for visitor screening, in terms of venue and how we go about it.

I think what we do currently meets the requirements for what is being tasked. We do have some potential changes or additions, augmentation for the Capitol Visitor Center. If we have some funding left over, if we have any end-of-year money, we may be enhancing some of the secondary stream; Visitor Center first, and then we would look to the ancillary buildings as well.

Mr. AMODEI. Great, thank you.

#### METRO SAFETY, K-9 BUDGET AND RETIREMENT WAIVER

Mr. YODER. Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chair. I have got three things. I want to follow up on Metro safety and security. We talked about it a couple of times, and we have got the three stations around here. A lot of traffic. Members use them. Staff use them, and, of course, our constituents who are visiting our Capitol are using them.

We talked about communication and response capabilities, and you have talked about some of the enhancements that are going to take place at Capitol South, and some more communication capabilities in the cars and platforms at the other Metro stations. If you could give us a brief update on that.

And then one of the things that I had asked you to think about possibly is to offer, working with Metro for staff, what do you do if the train stops? What do you do if you smell smoke? I mean, we have got a lot of people that are on the trains regularly, that I know some of them have been involved in a couple of instances where they have had to deboard trains. You know, even how to open a door. They don't let you practice opening up the airplane door, even when you are on the ground, but we do do things for school bus safety. We encourage people to do fire drills and things in schools, and even in some of the larger businesses, they will do drills every once in a while. So that is one thing. And I will just put them all out there together.

The second one is I don't have—and I know you would provide it if I asked for it, but we don't have a big breakdown of what is going on with your K-9 budget. And you have increased a lot of

K-9. And K-9 have retirement just like everybody else does and the new force of dogs and everything coming in.

So can you tell us how you are, you know, moving forward with your K-9 budget? And I know, being on a city council, our K-9 officers received a slightly different stipend, because they had responsibilities after work with maintaining the dogs.

And then the third one I have goes back to what you and the chair were talking about earlier about the waiver. I think there are certain jobs and certain assignments in that where, you know, certain officers working until age 60, you know, great. Sometimes things happen with bodies. People don't realize how much equipment you carry around or if you have spent years sitting in a car, what that does to your back and your hips and everything like that. So I just want to make sure—and I am sure you are, it sounds like it—that you are talking and having great communication with the rank and file on how that works. And I think going up to age 40 if you are going to go to age 60 also maybe makes sense with people coming out of the military, retiring around here and doing that with expertise.

So if you could just kind of touch on those three things.

Thank you, Mr. Chair.

Chief VERDEROSA. Yes. Thank you, ma'am. Starting with the last, if I may, I agree we do need to examine the age 60 retirement. I understand the pitfalls of getting older. I feel it every day myself. We do have physical fitness. You know, Congress has generously provided us with assets, provide opportunities for our officers to work out before work and after work, during their lunch hour. We are partnering with Mr. Kiko, the CAO of the House, on a wellness program, and we have a number of initiatives that we are looking at to benefit our employees as well.

I do agree that it is important and I always felt that the 37 year final hiring date did, in terms, eliminate some of the ability to bring military folks on who have 20 years in the military from age 18 and retire at age 38. I think this is a great benefit to bring on military folks who have the leadership and the dedication and a proven track record, to add them to our ranks.

We also are looking to, through the 2018 money, civilianize a number of positions. I would also encourage vets to come in and work some of those, including Wounded Warriors, to fill some of these interior operational positions, whether it is a radio dispatcher or it is a command center technician. They are critical roles, but they certainly can be staffed with vets and with folks with a military background.

In terms of our K-9s, fiscal year 2018 funding had 56 dogs that were allotted K-9 units as well as the equipment that goes along with that. We are in the process of training I believe it is five K-9 handlers at this time to replace some retirements.

We had funding to replace some of our dogs. What we don't want to do is have the large-scale big-ticket item. We try to life cycle. Each dog is different, though. It is dependent on the health of the animal, the work ethic of the animal, the attention span. We generally get about 10 years of service out of the dogs. Sometimes it is less, because they get injured just like people get injured. They break bones. They tear ACLs and that kind of thing. That limits

our ability. But we are monitoring the replacement schedule and the deployment schedule of the dogs. We recently went to a different vendor. We like the quality of the canines that we are getting. I think it was a great move.

The K-9 officers do get a higher level of pay, with the responsibility that is relevant to what they do. It is probably one of the most coveted positions in the department. They love their K-9 partners. The best way to say it is that we could not do our job without our K-9 partners. They are a force multiplier. For instance, last year in 2017, we accomplished 170,000 K-9 sweeps—if we were to rely on officers to do what those dogs do, we would grind this institution to a halt for security reasons. We place a great emphasis in our K-9 corps. They are a very proud unit, and we really do get sort of bang for the buck, in terms of our ability to multiply our abilities with the K-9 partners. It is difficult training, but when K-9 handlers complete their training, they are well on the way to being able to communicate with that dog. And it is a true testament to their dedication.

Ms. MCCOLLUM. The Metro?

Chief VERDEROSA. We have worked very closely with the Metro and with Amtrak as well in terms of our ability to scale, to have drills on platforms, to train our personnel in the procedures that are necessary when you respond down to a platform. We have also had tabletop exercises. On June 1st, there is a large-scale exercise that we are going to actually have deployment on, in terms of the Metro tunnel near Capitol South, the Amtrak tunnel on Capitol South.

Ms. MCCOLLUM. Okay.

Chief VERDEROSA. We are well on the way to having that. And we have actually engaged in some of the training. Based on some of the recommendations from the last meeting we had, we had brought in Metro, and they did actually staff training and put out information out to the community. They held staff training in the CVC, to train staff who ride Metro, some of the various responses to Metro emergencies. Metro came in. We worked with their Emergency Management Division to provide two different training sessions for staff.

Ms. MCCOLLUM. I hope they come in on a regular basis and do that.

Thank you very much, Mr. Chairman.

Mr. YODER. Mr. Newhouse.

#### SAFETY MEASURES AT DISTRICT OFFICES

Mr. NEWHOUSE. Gentlemen, thank you for being here with us. Mr. Chairman, thank you for having this hearing.

Most Members don't get an opportunity to personally thank the Chief and Assistant Chief. So thank you, gentlemen, for being here, and not only to talk about the budget and the necessary, perhaps, changes that we make there to benefit the work you do, but also express our appreciation to the fine work that the whole force does.

We see on a daily basis every morning when we come to work, sometimes—usually—smiling faces that greet us and make sure that not only the public is safe, but we are too. So thank you very much for everything you do.

I know in my district—I don't know that it is a whole lot different than others—we have had incidents, individuals that needed maybe more attention than we would have liked to have had to give them. I had an incident in my district office where a rock was thrown through a window. So let me just say I very much appreciate. My experiences have been that you have worked very well with local law enforcement agencies to help us feel secure and safe in our district offices as well.

So a couple different things I would like to talk about with you. I just wanted to, you know, with this increased activity not only here in the Nation's Capital but around the country talk about some of the measures, the safety measures that you have been able to put into place when you yourselves can't have a physical presence in the district. That is a huge challenge. We have a big country.

I am also guessing that—very similar—all of our district offices have had increased levels of security put into place over the last year. And if you could talk a little bit about your interaction with the Architect of the Capitol in making those and improving those security upgrades, I would appreciate that.

And then something that—you know, we feel pretty secure here in Washington, D.C., most of the time. I think our district staffs are a little more vulnerable. So maybe if you could talk about any opportunities for increased amounts of training that might be available for those folks that work so hard on our behalf in our home States.

Chief VERDEROSA. Certainly, sir. And I appreciate the backup. I know that my troops are very proud to serve. The mission is very clear to us, and they take extreme pride in what they do every day. In terms of what we do in district offices, we can, through the Sergeant at Arms Office, provide assessments for district locations, provide security recommendations. We actually conduct the assessment. I believe the Sergeant at Arms Office actually would direct that to occur. I believe it starts with the Sergeant at Arms Office. I would have to defer to his office on that.

We can provide your staff with security awareness training and that is well-received. We have actually had 46 deployments, some of those of which are DPD agents or Threat Assessment Agents will go, either electronically reach your offices, your district, or we can also travel and provide this service. We talk about the issues, whether it is an unwanted guest or whether it is security of the venue itself or what happens when you have threatening correspondence.

We also deal directly, in terms of threat investigations, with your district staff. If your office contacts us, any one of your offices contacts us, we will work to decipher in terms of what the threat is. We will make an assessment to determine whether or not it is an immediate threat where we need to get protection to you or your staff. Obviously, if you have an unwanted guest, we want you to dial 911, the local.

We work very closely with the local authorities in terms of these investigations. When our threat investigations—and we did about 3,800 of these last year—take place, we will coordinate through our FBI task forces, and we will either deploy or we will have an FBI

agent investigate that matter. They are all joint investigations. Depending on the circumstances, depending on the emergent need of the response, we will deploy personnel and we will—our position is that we will present all cases to the U.S. Attorney's Office where we can establish that a crime has been committed.

And it may not be a technical threat. It may be some other type of—it could be harassment, stalking. It could be any type of violation. Our agents are very well-versed in the prosecution levels and thresholds. We will work very closely with your staff in trying to either preserve evidence or obtain interviews in order to establish probable cause.

I don't want to miss any part of your question. We can conduct the assessments through the Sergeant at Arms approval, and we can also—again, if you would like to arrange for any—and this goes for all Members, both House and Senate—security awareness training, we are happy to do it. It actually helps us. When something does happen, it helps us. It helps your staff know what we are looking for ahead of time. And we can do that over the telephone or by video teleconferencing all of your groups together and do it all at once or, like I said, we can deploy and do several, depending on the areas and how many Members want to get involved.

Mr. NEWHOUSE. Good. I appreciate that.

Chief VERDEROSA. Happy to do that.

Mr. NEWHOUSE. Appreciate that. I think I have noticed in the last couple of days a new crop of officers. It could be my imagination, but there seem to be some new faces around.

#### TRAINING BACKFILLING ATTRITION AND RETIREMENT

Chief VERDEROSA. Yes, sir.

Mr. NEWHOUSE. Which is great. I just wanted to ask about your training programs, your ability to meet the attrition, retirements, if there are any issues that you face, challenges there that we should talk about that we should be aware of?

Chief VERDEROSA. Yes. We have had three graduations in the last 6 or 7 weeks, all part of the—

Mr. NEWHOUSE. So it wasn't my imagination.

Chief VERDEROSA. No, it is not. Once they complete their 26 weeks of training, they go into what we call police officer training. It used to be called field training. They are out with an experienced officer for 8 weeks, and they are being observed. They are being taught to convey what is taught in the academy in a very sterile environment into the real world. And they are under the auspices of an experienced officer who are trained to evaluate, again, and make recommendations and take corrective action through their supervisors.

It is a well-received program. It is interactive. And it really gets the student, the recruit officer—well, they are sworn officers, but they are under somebody's wing for a while. We find that once we get them that 8 weeks of training, they have really been indoctrinated to how we do business.

I know that sometimes it looks like we may have excessive people on certain posts. They are generally the more junior, younger, if I can say that, officers, and they are learning. And, frankly, it is a great learning experience for them, because they are here; they

are assigned during the peak periods. They are assigned during the day shift and the early evening shift so that they really do get the full experience of what is going on on Capitol Hill.

Mr. NEWHOUSE. You throw them into the deep end.

Chief VERDEROSA. Absolutely, with no water wings on their arms. But, you know, they are never by themselves. They are always with an experienced officer. They are well-trained. And frankly, they can always notch a new recruit back if they get transferred to an evening or a midnight tour, but you really get the full breadth of a vote on the House side, a committee hearing in the Senate, or a head of state arrival in the Capitol. And these are things we want them to experience so they can gain the knowledge base.

Mr. NEWHOUSE. And you are able to meet those needs?

Chief VERDEROSA. Absolutely. Mr. Braddock's team has done an outstanding job in recruiting, hiring, training, deploying personnel. You know, it ebbs and flows. We get very good candidates. We get an awful lot of candidates. We have some hiccups every now and then in the quality of the student, but I think that, by and large, when our students complete the training program and they experience their field training they are highly trained. I have seen the curriculum. I have seen the training. I have seen the quality of the instructors. We have police officers who can operate in any environment in this country. I am glad that we don't have recruiters here from other places trying to grab them, because they really are highly trained and do an outstanding job. I am very proud of the troops. The quality of our officers is a testament to the staff that I have working for me, both in operations and in the training and recruiting arena. They do an outstanding job. They really do identify the best candidates.

Mr. NEWHOUSE. Well, thank you. I appreciate it, Mr. Chairman. Thank you for your almost 200-year tradition carrying on the Capitol Police force.

Chief VERDEROSA. I appreciate that.

Mr. NEWHOUSE. I appreciate it.

Mr. YODER. Thank you.

#### AMMUNITION AND WEAPONS REPLACEMENT BUDGET

Chief, I want to ask you about your budget request for ammunition and weapons replacement. You requested \$6.7 million, including new weapons for DPD. And I note that there was an MP7 weapons training initiative that started more than a year ago, so I just wanted to ask a few questions about that.

How many of your 180 DPD agents have completed MP7 weapons training? What percentage of DPD agents will complete MP7 weapons training by the end of the current fiscal year? And should we be concerned, do you have concerns with the amount of time that has passed since the first MP7 was received by Capitol Police and the number of agents that have been trained to date?

Chief VERDEROSA. Thank you. Great question. We have decided, before we deploy the MP7, it should be noted that we do have the ability to deploy another weapon, the M4, the assault rifle. We have that ability today, and we deploy that when necessary.

The MP7 is a pilot program that the Board has directed us to engage in, in terms of providing a weapon that meets the needs that sort of bridges the gap between a true assault rifle and a handgun. We have today—Steve, do you have the numbers?

Assistant Chief SUND. The last eight right now. So that would be a total of 15 once they finish training.

Chief VERDEROSA. We have 15 trained currently, and I believe we are going to have another training program soon. All DPD agents on at least one of the teams that will be outfitted with this weapon have been trained to become familiar with the weapon, even though they may not be trained to actually carry the weapon.

A new weapons system takes time to procure. Some of the funding for additional weapons was in the 2018 money, which I believe we began the process for. We just received a shipment of ammunition, 30,000 rounds, enough to train another class.

I am confident that we have the ability to provide the type of weapon needed to cover our DPD agents. Based on direction from the Board, we are starting with a smaller pilot on one particular detail. We will expand that program to other details as we gain more information and more familiarity.

There are also issues—you have to train people on how to deploy it while you are carrying it. There are a number of issues that we want to make sure that the officers that have to carry these weapons can carry it safely, properly, and safeguard it in the proper manner.

Mr. YODER. I think that is ultimately the genesis of the question, which is, there is a request for additional new weapons for DPD. And the time to get folks trained, does that justify the amount of weapons you have asked for? Can people be trained to use all these weapons? Do you have enough staff, you know, of officers that can be trained in time for this budget request?

Chief VERDEROSA. I believe so. We will be able to train more as we get more ammunition. And the problem for the training—probably the biggest impediment is taking people offline to put them in a school. It takes away the opportunity to work in the field.

Now, we have a graduating class of new special agents should be occurring in the next couple of weeks. We have another class slated for later in the year of DPD agents. And we may have the ability to have a third class in the intervening time. The second class I mentioned is slated for the end of the fiscal year. We may be able to have a class in the summer period.

What happens with that is there are so many people—the eligibility for DPD is the officers have to be off of their probationary period. It is tied to the tenure of the officers that are available to go to DPD. For each process, we can train 12 to 14 people. The reason we only train that number is that it takes a significant amount of people to run the school, and it takes a certain amount of people offline. But what they do tactically, you can't teach 30 people at a time. You have to teach them incrementally, with the size of the team and the ability it gives. Otherwise, it would take twice the time to run the number of people. We could run multiple schools, but then we get into having enough agents work the field and also put on the school.

I think we have a good plan. I think we have a good plan for the future for DPD, building up its ranks. I think we have a good plan for future rotation through the Dignitary Protection Division, and I think we have an excellent plan for the firearms training. Again, the Board wants to ensure that any time we employ a new platform, a weapons platform, that it is done incrementally, it is done appropriately, and it is done with the correct level of training to safely deploy that weapon.

#### INCREASES IN OVERTIME

Mr. YODER. I want to turn your attention to general expense when it relates to our employees and the topic of overtime, something we look at every year. I know you look at it very closely. I know it is an expense that is necessary in many cases when we have security needs, and the right staff, the right place; you just have to do what you have to do.

But overtime funding has increased 41 percent since fiscal year 2013. Hours have gone up approximately 230,000 in the last 5 years. Can you walk the committee through the overtime increases, what is causing them, and if you have concerns about that and what you are doing to address that and what we can do to help you address that?

Chief VERDEROSA. Sure. It is a great question. There is always a balance between hiring FTE staff and using overtime. We allot a significant number of hours for unscheduled overtime for all of the various types of events.

I can tell you last year has been significant for unscheduled events. We have had multitudes of demonstration activity, civil disobedience arrests within the buildings. We have had a significant number of demonstrations outside that require—permitted activities that require us to provide a level of coverage to maintain order. Sometimes you have competing interests that we have to put a police line between.

Overtime and mission set—and I guess I should say from the outset, the staffing requirements that we have asked for in our budget request, are for new mission. We are staffed in the field at about 80 percent on all of the sections. Overtime is managed on a unit-by-unit basis. Each unit is staffed at about 80 percent of where they should be, and we fill the gap with overtime.

There is scheduled overtime and unscheduled overtime. Scheduled overtime is things that we know about, things, events that are going to occur: the concert series, State of the Union, the Inauguration every 4 years, national conventions where we provide coverage for Members of Congress. Those things we can calibrate, we can calculate, and we can formulate.

What really drives overtime—particularly over the last year, has been the increased mission sets required for the regular day-to-day coverage of security matters. We have done a few things to counter that. For instance, we have a demonstration where we are going to have 150 people arrested. That requires a lot of personnel. We bring people in, based on what we know, so that we can cover those types of events, because our goal is always to provide the Congress with the ability to do their work free of disruption and free of disorder.

There is a level of service I think that Members expect from a professional police department, and I think we provide that. Tactics have changed from some of these groups that come up. We have to respond sometimes with a hundred different officers in an hour or simultaneously, and we want you to be able to do your work in your offices, and we will cover those types of events. The frequency of the events drives overtime. Though, when we do engage in civil disobedience arrests, we have been able to streamline that process to the point where it is very manageable, particularly with events where we use our cite and release policy. Normally it would take 3 hours to process an arrest, we can release hundreds of people within an hour.

I think we balance the costs with efficiencies. The Assistant Chief and Mr. Braddock monitor the overtime flow daily. We monitor what the usage is. We monitor leave. We have contractual obligations that allow us to work people within a certain parameter. We never work anybody more than a double shift. We never work more than 64 hours in a pay period of overtime.

We assign the work. Officers are able to trade that overtime slot, if possible, to someone who wants to work if they don't want to work it. They have the ability to sort of control their own fate once they are drafted to work overtime.

Now, there are events that require us to manage very directly. For instance, we may have civil disobedience going on in the House Chamber where there is a big vote. We may hold over day shift for an hour to be able to manage those arrests. If it dissipates, we let people go. We manage it to the hour. We manage it hands-on. All of my commanders are roll-up-your-sleeves commanders. They are out in the field. They are managing day-to-day, and they are out there with the troops. We manage it. We look at it. At a point where it becomes necessary to ask for more personnel, we would certainly come forward and do that.

Mr. YODER. Yes, Chief, that is my question, I think ultimately is, if this is an issue of we just have a lot more sporadic spontaneous events and things that are impossible to have people just sitting around waiting for, because one week we may have 10, the next week we may have nothing, right? That is basically the issue. That makes sense.

The question is, is there a general need for more officers that would help reduce that at all? Is that part of the equation at all?

Chief VERDEROSA. I think, as we look at increasing necessity to cover, we certainly have more requests to cover committees. We have more requests to cover events that occur. The officers that we are requesting in the fiscal year 2019 request, are for the new mission. We will look at the trends. We will continue to look at the trends to determine whether or not there is a need to increase our staffing to cover routine—

Mr. YODER. Particularly if it saves us money, right?

Chief VERDEROSA. Right.

Mr. YODER. I mean, if it is a net savings. I think that is something that the committee needs to look at. If it is going to cost us more money because we are going to have more personnel and we are still going to have about the same number of overtime hours, then that doesn't really help us for that topic.

Chief VERDEROSA. Right. It is a delicate balance. I know that our Inspector General recently looked at our overtime. It validated what was confirmed several years ago, that we are short a number of FTEs. I don't know that we are at the point at this point where we would increase our staffing in lieu of overtime, but we will look at that very closely and work very closely with your staff to look at that.

Mr. YODER. Okay, great. Thanks.

Mr. Ryan.

#### PRESCREENING STRATEGY

Mr. RYAN. Thank you, Mr. Chairman.

Chief, I want to get your take on the prescreeners. So obviously a very important part, you start talking about the Metro. You start talking about increasing the range in which we can understand what is happening out there. And there has been some reports that maybe the prescreeners aren't out and about like we would want them to be, especially when it is cold and rainy, and generally nobody wants to be outside at that point.

What are we doing to assure the Members and the people working on the campus that that strategy that we have is being implemented properly and that is getting done?

Chief VERDEROSA. Yes, sir. The prescreeners are there.

Mr. RYAN. Do we have a mechanism that is monitoring that, I guess would be the direct question?

Chief VERDEROSA. Absolutely. We have—and I will talk about the inclement weather in a moment. The reason we have the prescreeners, so everyone sort of has the same level playing field, the same baselines, they provide us with an effective visible physical presence at some of our most vulnerable places.

Over the years, since 1995, we have had a number of studies that called for having prescreeners. It certainly works very well here at the Capitol itself. We are pushing the envelope out to the office buildings so that we have eyes and ears out. The goal is for them to, one, prevent things from happening, but provide that visible physical presence. They are eyes and ears. They give us the ability to quickly lock down a door, if necessary. They have the ability to remotely lock down a door in a couple places here on the Hill. They have the technology. We are testing a pilot in two places to be able to lock down multiple doors at the same time. The goal is always to push the threat as far away as possible and to screen people. Ultimately, you don't want to screen people inside the building, which we do out of necessity, or in the office building. The CVC model is a perfect example of how well that could work when you push the screening outside sort of the envelope, the building, and you have the appropriate sort of infrastructure.

The buildings are historic buildings. They were never designed for the equipment that we have installed. The goal and the security model for each access point is to have prescreener and overwatch. I think for a long time we haven't been able to risk mitigate that, but I think—and the Board agrees and this is one of our initiatives—to have eyes outside and then have the overwatch while the officers are screening, it really closes a vulnerability.

The secondary benefit is it helps us manage the lines. I know that lines are always an issue, particularly in the spring when we have a lot of people coming to the Hill, whether it is a tourist group, a school group, people lobbying. It gives us the ability to help manage the lines, to move people. Sometimes they don't want to move because they don't want to break up from their group, but at least we have the ability to provide them information.

Now, if an officer isn't as attentive as they should be, that is certainly a supervisory problem. The supervisors, the first-line supervisors are responsible for monitoring the awareness and attentiveness and complacency at every level. I have authorized officers who are on prescreener posts in extreme weather who step inside the door who should be maintaining their vigilance and looking out at the threat. The threat is outside. It is coming from the outside. If they are not doing that, then that is a supervisory issue, and we can address that. But the goal is to have the eyes looking out so that they can take action, if necessary, to prevent a possible tragedy.

I think that it also provides a level of comfort I think to the staff and for visitors when they see a visible presence, and I think the value of that can't be understated either.

I hope that addresses your question.

Mr. RYAN. Yes. I would like to talk maybe a little bit more about that in a closed setting. Thank you.

Mr. YODER. Mr. Amodei.

Mr. AMODEI. Nothing, Mr. Chairman.

Mr. YODER. Well, if there are no further questions, then, Chief and your team, thank you for your testimony today. Thanks for your work on behalf of the Capitol and our constituents and the many Members that serve in this body that are counting on you to keep them safe. We want to make sure you have the resources necessary and that your employees have the means to do their job. We will continue to look forward to working with you.

I want to acknowledge our guests that have joined us, the Open World Leadership Center, and guests from Tajikistan. Thank you for joining us today. We appreciate the delegation from Tajikistan joining us for today's hearing, and hopefully you can take back some pointers on how to conduct an efficiently run meeting and the spirit of bipartisanship that reigns here.

I invite my Legislative Branch Subcommittee members to meet with our guests briefly at the conclusion of the hearing. Thank you for your appearance today. We will continue to work with you as we proceed with this year's budget process.

The subcommittee stands in recess until tomorrow, April 12th, at 10 a.m., at which time we will receive testimony from the Government Publishing Office. Meeting adjourned.

THURSDAY, APRIL 12, 2018.

**GOVERNMENT PUBLISHING OFFICE**

**WITNESSES**

**ANDREW M. SHERMAN, ACTING DEPUTY DIRECTOR, GOVERNMENT PUBLISHING OFFICE**

**HERB JACKSON, CHIEF ADMINISTRATIVE OFFICER, GOVERNMENT PUBLISHING OFFICE**

**LYLE GREEN, MANAGING DIRECTOR, OFFICIAL JOURNALS OF GOVERNMENT, GOVERNMENT PUBLISHING OFFICE**

Mr. YODER. Good morning, everybody. I call the subcommittee to order.

Thank you everyone attending this hearing this morning. We are conducting our second hearing of the 2019 appropriations process for the Legislative Branch Subcommittee.

I am joined by Ranking Member Tim Ryan from Ohio, and other committee members will be coming and going as they are able. We have a lot of hearings this week in a lot of different subcommittees. So they will hopefully come and go when they are able to.

This morning, we are having a hearing on the Government Publishing Office. I would like to thank the Acting Deputy Director, Mr. Sherman, for joining us today.

I understand this is your 38th year at the Publishing Office. And your other witness this morning is Herbert Jackson, Chief Administrative Officer.

You have been with the agency for?

Mr. JACKSON. Thirty-eight years.

Mr. YODER. Thirty-eight, as well.

And then bringing up the rear, kind of one of the new kids on the block, Lyle Green, Managing Director, Official Journals of Government, who has only been there 27 years.

GPO has not been up to testify in recent years. We felt it was important to hear from them directly regarding your fiscal year 2019 budget request, part of our effort to continue our work to ensure that we are spending taxpayer dollars wisely.

**GPO'S BUDGET REQUEST**

The Government Publishing Office has the important mission of keeping America informed. GPO does that by providing permanent public access to Federal Government information at no charge to the public through its Federal Depository Library program, which partners with over 1,140 libraries nationwide, and govinfo.

They produce and distribute products and services for all three branches of the Federal Government, including U.S. passports and official publications of Congress and the White House, and operate distribution centers to fulfill orders for government publications.

So this is an agency that many haven't heard of, but probably have utilized over the years in one way or another.

The fiscal year 2019 budget request is \$117 million, which is \$68,000 below current levels. GPO's appropriations have been flat since fiscal year 2016 and have declined 21 percent since fiscal year 2010. We often hear the cliché, "We have to do more with less," but GPO has been a true example of doing just that, doing more with less resources.

Their continued transition to digital technologies and products has increased productivity while also maintaining tight financial controls on overhead costs, coupled with a buyout for employees in fiscal year 2015, has made it possible for GPO's lower funding request.

So, gentlemen, thank you for coming to the committee today.

And I would like to yield to my good friend, the gentleman and scholar from Ohio, Mr. Ryan.

Mr. RYAN. Thank you, Mr. Chairman. I appreciate it. And I will be very brief.

You have done a lot of the heavy lifting in terms of GPO's coordination with this committee over the years and we really appreciate it. We want to say thank you to you for being so responsive, coming up and talking with us here at the committee.

I would also like to commend you, as the chairman mentioned, about your approach to the annual budget. Even though the cost of each full-time equivalent and employee and other prices are going up, and even though you know we have a budget deal that is helping to begin to dig our way out of sequestration, you are asking for almost the exact same amount of money you were given in 2016, 2017, and 2018; a slight cut, in fact, as the chairman mentioned.

You are not only making our jobs easier, you are proving that sometimes the government can keep costs down by leveraging new technologies and innovative ways of managing your situation.

So we are very thankful, Mr. Chairman.

I look forward to your testimony. Thank you.

Mr. YODER. Mr. Sherman, your complete statement will be made part of the official record, probably something you will print at some point and publish.

Mr. SHERMAN. I hope so, sir. We look forward to it.

Mr. YODER. But feel free to summarize your remarks at this time for the committee.

Mr. SHERMAN. Thank you very much, Mr. Chairman.

Chairman Yoder, Ranking Member Ryan, and members of the subcommittee, thank you for inviting me to be here this morning to discuss the GPO's appropriations request for fiscal year 2019.

With me at the table, as you have said, are GPO's Chief Administrative Officer Herb Jackson and the Managing Director of GPO's Official Journals of Government Business Unit, Lyle Green. Lyle is responsible for day-to-day liaison with both Houses of Congress to make sure your printing and other publishing requirements are met as you need them.

GPO is responsible for publishing congressional publications and for making them known to the public. Our mission derives from the requirement in Article I, paragraph 5 of the Constitution, which

says that, "Each house of Congress shall keep a Journal of its Proceedings, and from time to time publish the same."

The Government Printing Office, as we used to be called, was established to carry out that publishing mission on Congress' behalf. For most of our history we did this by printing and distributing congressional publications.

For the past quarter century, however, we have deployed digital technologies to carry out our mission. As a result, we are now named the Government Publishing Office, where printing is just one of the many publishing technologies we use.

Today, for the House and the Senate, we produce congressional documents, the daily Congressional Record, bills, reports, hearings, committee prints, and other documents in digital and print, providing official information in the forms and formats that Congress needs to carry out its constitutional legislative mission while providing public access to these documents nationwide.

Our use of modern publishing technologies has significantly reduced the costs of GPO's operations. Computerized typesetting and related technologies have cut the costs of congressional publishing by more than 70 percent since 1980.

Digital dissemination through the web has reduced the cost of disseminating congressional and other government information, while expanding public access exponentially. Last year, our online service provided access to more than 2.2 million titles. The service averaged more than 45 million document retrievals a month and more than half a billion annually.

We have just 1,740 staff now, fewer than at any time in the past century. When Herb and I started, we had over 6,000. We are an agency that is compressing its size, not growing its size. Yet our productivity as a result of the digital technology and other equipment upgrades that we have made in the last 5 years continues to increase.

As a result, our total appropriations request of \$117 million for fiscal year 2019 is the lowest in the last 15 years. That is measured in current dollars.

For our congressional publishing account we are requesting \$79 million for fiscal year 2019. Funding for this account has been flat since fiscal year 2014, the last 5 years.

For the public information programs of the Superintendent of Documents we are asking for \$32 million to expand our efforts to bring more digital products into the Federal Depository Library program, whose libraries average approximately three per congressional district nationwide.

For our Business Operations Revolving Fund, we are seeking \$6 million to continue development of our online system, called govinfo, and pay for necessary cybersecurity measures.

Before ending, Mr. Chairman, I just want to say that the men and women of the GPO are some of the hardest working, most dedicated employees that you have in the legislative branch. Regardless of the demands of the legislative schedule and regardless of the conditions under which they have to work, whether there is a snowstorm, an earthquake, a government shutdown, or other conditions, they will be there to support you in carrying out your work.

That was what we were created to do, and it remains our most important mission.

So, Mr. Chairman and Ranking Member Ryan, with that, thank you so much for letting me speak to you. And I would be happy now to answer any questions you may have.

[The prepared statement follows:]

**ANDREW M. SHERMAN**  
*Acting Deputy 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 2019

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April 12, 2018  
10 a.m.  
Room HT-2, The Capitol



**U.S. GOVERNMENT PUBLISHING OFFICE**  
732 North Capitol Street, NW  
Washington, DC 20401-0001

Keeping America Informed | OFFICIAL | DIGITAL | SECURE  
[www.gpo.gov](http://www.gpo.gov) | [facebook.com/USGPO](https://facebook.com/USGPO) | [twitter.com/usgpo](https://twitter.com/usgpo)

Mr. Chairman and Members of the Subcommittee, I am pleased to present the appropriations request of the U.S. Government Publishing Office (GPO) for FY 2019.

### THE U.S. GOVERNMENT PUBLISHING OFFICE

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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 approximately 1,740 staff.



Along with sales of publications in digital and tangible formats to the public, we support openness and transparency by providing permanent public access to Federal Government information at no charge through our Federal Digital System (FDsys, at [www.fdsys.gov](http://www.fdsys.gov)) and its successor system **govinfo** ([www.govinfo.gov](http://www.govinfo.gov)), which in December 2017 moved out of beta. Today these systems make more than 2.2 million Federal titles available online from both GPO and links to servers in other agencies. In 2017 FDsys averaged 45 million retrievals per month. We also provide public access to Government information through partnerships with more than 1,100 Federal, academic, public, law, and other libraries nationwide participating in the Federal Depository Library Program (FDLP).

In addition to our newly redesigned website, [gpo.gov](http://gpo.gov), we communicate with the public routinely via Facebook [facebook.com/USGPO](https://facebook.com/USGPO), Twitter [twitter.com/USGPO](https://twitter.com/USGPO), YouTube [youtube.com/user/gpoprinter](https://youtube.com/user/gpoprinter), Instagram [instagram.com/usgpo](https://instagram.com/usgpo), LinkedIn [linkedin.com/company/u.s.-government-printing-office](https://linkedin.com/company/u.s.-government-printing-office), and Pinterest [pinterest.com/usgpo/](https://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," establishing Congress's informing mission that GPO carries out. 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. This work goes on today, in digital as well as print formats.

**Strategic Vision** GPO is transforming itself from a print-centric to a content-centric publishing operation. This process is consistent with the recommendations submitted by the National Academy of Public Administration to Congress (*Rebooting the Government Printing Office: Keeping America Informed in the Digital Age*, January 2013) regarding our transition to a digital future.

GPO continues to develop an integrated, diversified product and services portfolio that focuses primarily on digital to serve the Government information needs of Congress, Federal agencies, and the public. At the same time, we recognize that some level of 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 relative to the ongoing growth in the provision of and access to digital formats.



#### GPO AND CONGRESS

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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 produce all the printing work required every four years by the Joint Congressional Committee on Inaugural Ceremonies. 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, including emergency weather and other conditions.

Today the activities associated with creating congressional information databases comprise the majority of the work funded by GPO's 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 also work with the Library on a variety of digital projects supporting Congress to make congressional information more widely accessible, including the digitization of historical issues of the *Congressional Record*, a project which was completed in early FY 2018.

**GPO Cuts the Cost of Congressional Work** GPO's use of electronic information technologies has been the principal contributor to lowering the cost, in real economic terms, of congressional information products. In FY 1980, as GPO replaced hot metal typesetting with electronic photocomposition, the appropriation for Congressional Publishing was \$91.6 million, the equivalent in today's dollars of \$290.4 million. By comparison, our approved funding for FY 2018 was \$79.5 million, a reduction of more than 72% in constant dollar terms.



Since 2010, we have achieved a 25% reduction in the constant dollar value of the Congressional Publishing Appropriation, consistent with the continuing transformation of our technology profile, the control of costs, and collaboration with Congress in carrying out measures reducing print distribution in meeting the information needs of the Senate and House of Representatives. Annual appropriations for Congressional Publishing have been at or below \$79.7 million in each year FY 2014-18.

Productivity increases resulting from technology have enabled us to make substantial reductions in our staffing requirements while continuing to improve services for Congress. In 1980, total GPO employment was 6,450. At the end of FY 2017, we had 1,740 employees on board, representing a reduction of 4,710, or more than 73%, since 1980. Our workforce levels over the past three years remain the smallest of any time in the past century.

#### 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 2017, this work was valued at approximately \$340 million, and represented about 82,600 orders. More than 10,000 individual firms are registered to do business with us, the vast majority of whom are small businesses. 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.

**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 carrying personal identification data. With other security printing features, this document - which we produce in Washington, DC, as well as at a secure remote facility in Mississippi - is now the most secure identification credential obtainable. In 2017, GPO produced 22.5 million passports, an increase of more than 11% from the year before. Over the past decade GPO has produced more than 150.5 million passports for DOS. Throughout 2017, we continued with facility changes and equipment installation and testing in support of the planned next generation passport, targeted for introduction later this year.

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. To date, we have produced more than 16.9 million secure credential cards across 31 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.



## 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 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 more than 1,100 public, academic, law, and other libraries located across the Nation, averaging nearly three per congressional district. Print and some microfiche products remain important depository library resources today, particularly in regional depository library collections nationwide, while the Program has expanded significantly over the past 25 years to incorporate digital information products, and today is supported by FDsys and **govinfo** along with other digital resources. The growing reliance on digital content underscored the first digital-only Federal depository library designation in 2014. In FY 2017, one new Federal depository library entered the program as digital-only, while 8 existing depository libraries converted to all-digital status.



**Federal Digital System (FDsys)** GPO has been providing public 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 system 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 FY 2017, FDsys grew to make more than 2.2 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 45 million retrievals per month. We have continually added collections to FDsys to provide increased public access to Government information.

**Govinfo** In early 2016, GPO unveiled the next generation of our public access system with the introduction of **govinfo**. Rolled out initially 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 platforms, including mobile devices. A unique feature is the system’s ability to link together documents related to a specific inquiry, from the introduction through passage of legislation to the issuance of any implementing regulations. Following a period of testing and iteratively developing the system’s features, **govinfo** was moved out of beta during the first quarter of FY 2018 and will become GPO’s primary public access system—the third such system since we inaugurated online access in 1994—following the retirement of FDsys from active service later in 2018.

**GPO Achieves Savings in Information Dissemination** In 1995, the first full year of our online operations, the cost of producing and distributing millions of copies of printed publications to Federal depository libraries nationwide was funded at \$17.6 million, the equivalent today of \$28.9 million in constant dollars. For FY 2017, we funded this function at \$8 million, a reduction of more than 72% in constant dollar terms. Along with appropriations to GPO's Business Operations Revolving Fund, we have used the savings from reduced printing and distribution costs to pay for the establishment and operation of our digital information dissemination operations, achieving additional savings for the taxpayers and vastly expanding public access to Government information.

**Publications 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](http://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 *Your Guide to Breastfeeding; My Future, My Way – First Steps Towards College*; and *Dietary Guidelines for Americans* 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 fulfillment 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 and contributes significantly to GPO's bottom line.

**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 2017, we had 8,895 likes on Facebook, 8,399 followers on Twitter, and 192,000 views across 78 videos on YouTube. On Pinterest, we had 809 followers pinning on 20 boards of Federal Government information. We also had 688 followers with 1,308 posts on Instagram and 3,265 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

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**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 publications 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.

**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.



**Annual Independent Audit** 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 2017, the audit concluded with GPO earning an unmodified, or clean, opinion on its finances, the 21st consecutive year GPO has earned such an audit result.

**FY 2017 Financial Results** Revenue totaled \$874.3 million and resulted in net income of \$38.3, excluding income planned to be invested in passport-related capital assets and funds resulting from a downward adjustment to GPO's long-term workers' compensation liability under the Federal Employees Compensation Act (FECA).

Funds appropriated directly by Congress provided nearly \$114.5 million (including funds from the Congressional Publishing and Public Information Programs appropriations, along with appropriations to the Business Operations Revolving Fund), or about 13.1% of total revenue. All other activities, including in-plant publishing (which includes the production of passports and other secure credentials), procured work, sales of publications, agency distribution services, and all administrative support functions, were financed through GPO's Business Operations Revolving Fund by revenues generated by payments from agencies and sales to the public.

#### FY 2019 APPROPRIATIONS REQUEST

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GPO is requesting a total of \$117,000,000 for FY 2019. This is \$68,000 less than the level of funding provided in the Consolidated Appropriations Act, 2018. Through FY 2018, total GPO appropriations have declined by nearly 21% since FY 2010 and are currently at their lowest level since then.

GPO's 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 to hold the line on the level of new funding we request.

Total Appropriations to GPO  
FY 2010-2018 and FY 2019 Request

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
2018	117,068,000
2019	117,000,000 (Requested)



Our FY 2019 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 \$79,000,000 for this account, which is \$528,000 less than the level of funding provided in the Consolidated Appropriations Act, 2018.

Continuing requirements under this account for FY 2019 are funded at \$75,339,000, and represent a reduction of 5.3% from the FY 2018 level of funding. Our request for FY 2019 includes \$3.7 million in funding for the production of the 2018 edition of the U.S. Code, which is carried out every 6 years in accordance with law.

Overall, the annual appropriations for Congressional Publishing have declined by more than 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 are available for the purposes of this account.

Congressional Publishing Appropriation  
FY 2010-2018 and FY 2019 Request

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
2018	79,528,000
2019	79,000,000 (Requested)



House Report 114-110, accompanying the Legislative Branch Appropriations bill for FY 2016, requires the presentation of budget requirements from a zero base. However, 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 2019 include a projected price level increase of \$2,038,000, primarily to cover employee pay increases equivalent with those paid Government-wide as well as other materials and supplies price increases. An additional increase of \$1,316,000 is required for program changes, primarily to cover the cost of producing the 2018 Edition of the U.S. Code, which will be offset by anticipated decreases in volume requirements for business and committee calendars, the *Congressional Record*, hearings, documents, and committee prints. In order to keep funding for this account stable at \$79,000,000, we will cover the projected increase in cost over the approved funding level for FY 2018, or \$3,882,000, out of the balances of unspent prior year appropriations transferred to GPO with the approval of the Appropriations Committees. The balance of those transferred funds remains available to pay for GPO's critically important Composition System Replacement (CSR) project, involving the development of an XML-based composition system to replace our 30+ year old Microcomp system which is used for the preparation of congressional documents for digital and print access, as well as other congressional information projects.

Public Information Programs of the Superintendent of Documents We are requesting \$32,000,000 for this account, which is \$3,000,000 more than the level of funding provided in the Consolidated Appropriations Act, 2018.

FY 2018 funding for this appropriation has declined by more than 29% 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. The requested amount is based on the outcome of using zero-based budgeting to determine the proper levels of funding needed to perform program activities at minimum levels, as directed by House Report 114-110.

Public Information Programs of the  
Superintendent of Documents Appropriation  
FY 2010-2018 and FY 2019 Request

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
2018	29,000,000
2019	32,000,000 (Requested)



The funding we are requesting for FY 2019 will cover mandatory pay and related cost increases. We are requesting funding for 100 FTE's, an increase of 11 over FY 2018 at an estimated cost of approximately \$1 million, to provide additional support for managing ongoing projects in addition to locating and processing Federal information products for inclusion in the FDLDP and the Cataloging and Indexing Program. In addition, we are requesting funding for copies of the U.S. Code for distribution to Federal depository libraries. Funding is also included for continued support of FDsys and govinfo costs.

As with our Congressional Publishing Appropriation, unspent balances of prior year appropriations that have been transferred to GPO's Business Operations Revolving Fund will be used to offset anticipated requirements for FY 2018 and FY 2019. These requirements include projects to continue transitioning GPO's Public Information Programs to an increasingly digital basis, including the modernization of legacy IT systems, automation of depository distribution, the replacement of GPO's Integrated Library System, bulk harvesting and content management, enhanced Web-based applications, and the development of metadata and parsers for the digitized *Congressional Record* and *Federal Register*. The use of these funds enables GPO to reduce its appropriations requirements while continuing to perform essential services and carry out digital transformation projects.

**Business Operations Revolving Fund** We are requesting \$6,000,000 for this account, to remain available until expended, for information technology projects. This compares with \$8,540,000 that was appropriated for FY 2018. 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, 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 in the wake of successful cyberattacks this past year against the Office of Personnel Management.

Appropriations to the Business Operations Revolving Fund  
FY 2010-2018 and Requested for FY 2019

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
2018	8,540,000
2019	6,000,000 (Requested)



Govinfo Projects for FY 2019 - \$5,000,000

- **General System and Collection Development (\$3,800,000)** – Development of new 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.
- **Infrastructure (\$1,200,000)** – Infrastructure for the hardware, storage, and environments to manage system performance as govinfo content and usage continues to grow.

Cybersecurity Projects - \$1,000,000

- **Security Enhancements for Advanced Persistent Threat (\$1,000,000)** – The cybersecurity threat environment faced by Government agencies continues to change rapidly and presents substantive risks and dangers to organizations. The requested funding is planned to address that evolving threat environment by implementing enhanced IT security systems that are intended to reduce the risk of unauthorized data exfiltration, unauthorized access, unauthorized changes to data, and related impacts.

Mr. Chairman and Members of the Subcommittee, before concluding I want to express our deep appreciation for the support you gave to our FY 2018 appropriations request. Equally as important, it is a pleasure to work with both your majority and minority staffs. This completes my prepared statement and I will do my best to answer any questions you may have.

Mr. YODER. Well, thank you, Mr. Sherman. If your colleagues have anything to add at any time, feel free to chime in. I want to make this sort of a little bit of a casual format.

MODERNIZATION OF THE GPO

Mr. YODER. I first kind of maybe want to ask a broad question about the mission and where you see the department heading in the next 10 to 20 to 30 years. Certainly in your 38 years and 27 years you have seen very significant changes at the publishing office. When did it change from printing to publishing?

Mr. SHERMAN. In 2014.

Mr. YODER. 2014. Okay. So that is obviously a symbolic change, but it also indicates the changing nature of the agency and how you operate. I am guessing when you started the concept of a digital publishing was not something that was in your vernacular. I assume it is now in the Style Manual, which is a good read, by the way. It is going to be a must read for my legislative staff here coming up.

You have reduced workforce from 6,000 to 1,740, which I am sure in some ways has been painful for folks that had been there, and as jobs become less necessary that changes how employees fit in our current economy. We are having to focus our own on retraining and getting people retooled for the jobs of the modern economy.

Where do you see the future of this heading? What do see the role of the publishing office? Continuing to go more digital? How are you innovating and keeping up with the innovations that are out there? Are there apps for phones and those sorts of things? Where do you think our best investment would be to get the best ROI for taxpayers? Where would we want to place dollars that might help you innovate which would help us save net savings?

Mr. SHERMAN. Thank you, Mr. Chairman. That is an excellent question. When Herb and I started at the GPO, type was set by machines called linotype machines and monotype machines. This is the way type was set across America in both government and the commercial sector for 80-some-odd years. Those machines were invented in the early 1900s, late 19th century.

We had more than 1,000 people alone involved in what is called composing: operating the linotype machines, setting the type for pages, and proofreading.

What we did was we adopted, like the rest of the industry, computerized typesetting, which immediately began reducing the need for so much staff. You could be much more productive with computerized typesetting than linotype machines.

For GPO this was an evolutionary process, and what we did was we retrained staff who formerly used the older equipment to use the newer equipment. And that has been our style all along. We don't have occupational dislocation. We don't let people go because technology has changed. We attrit. That is how we get the employment reductions. But we use a lot of retraining to get people involved in newer technologies.

The appropriation for congressional printing in those days, 1980, let's say, was about \$90 million in 1980 dollars. That is the equivalent of almost \$300 million today. And as you can see, our request is for \$79 million, a reduction of 70-some-odd percent. That reflects

increased productivity and it reflects fewer staff required to carry out these tasks.

We still publish as much material for Congress as we used to. By that I mean, the Congressional Record remains a significant publication, and you all are still producing bills, reports, hearings, and other documents, but the technologies we are using are much more productive. And that is where the investment needs to keep going.

We have a system of financing at GPO which is totally directed and pointed in that direction, investing in GPO's future. We have increased the book value of GPO's plant and equipment almost 100 percent over the last 5 years by the investments we have made in new equipment and technology.

We will continue trending towards more and more utilization of digital. And I am sure that digital itself will continue to evolve in many different ways, some ways that we know nothing about now, just as in 1980 we had no idea of apps or smartphones.

But we have to stay on top of that because that is what the public expects. That is how we ensure public access to the information about what Congress is doing and how you are doing your jobs. That is how we keep the public informed about what you do.

#### IMPACT ON TRANSPARENCY

Mr. YODER. Well, I think that is maybe the clear benefit, beyond the taxpayer savings, is that we create more transparency, because with govinfo and other opportunities you can reach people that you wouldn't reach in a printing format. But anywhere in the world, the country can get the information they need immediately. So it provides a better service at a cheaper rate.

Mr. SHERMAN. With respect to that, if I could just add one thing.

Several years ago in the House a group was set up called the Bulk Data Task Force, the Legislative Branch Bulk Data Task Force. Actually, it was set up through the impetus of this committee and the Office of the Clerk, and it continues to operate under the leadership of the Deputy Clerk of the House, Bob Reeves.

It is a group that comprises not only the GPO and elements of the House, but staff from the Library of Congress, from the Congressional Research Service. People from the Senate Secretary's Office are also involved.

And this group has come up with a lot of novel and innovative projects. It has been a sort of a hothouse for new ideas that can be developed and implemented to push Congress forward in the field of transparency.

We have done a lot of projects with the task force, we have a lot operating right now, and they will last into the future. And they are not terribly expensive. The Speaker's Office, by the way, both Mr. Boehner at the time it started and Mr. Ryan now, have been totally supportive of this effort. And with their support, the efforts of this group have reached new levels of transparency and openness in congressional information for the public.

#### CHANGES TO TITLE 44

Mr. YODER. Well, sounds like a worthy endeavor.

I want to ask you a little bit about the changes to Title 44. The House Admin Committee is working on revisions of chapter 19, which focuses on the Federal Depository Library program.

As we know, the program was created to make the Federal Government publications available to the public at no cost. The House Admin bill greatly expands the electronic distribution of documents, which would allow more libraries to participate and provides the flexibility of not having to have shelf space for the hard copies.

What impacts would these proposed revisions have on GPO's appropriations requirements?

Mr. SHERMAN. Thank you. We were part of this process. This bill grew out of hearings that were held throughout the year last year on modernizing Title 44. We have felt throughout that process that the Depository Library program, whose organic legislation dates to 1962, needed a significant amount of updating.

As a practical matter, we have made that program responsive to electronic and digital measures over the last 25 years, but the statute needed to catch up with modern practice. And that is what this bill does. It recognizes statutorily that digital is an important component of the program and provides us with certain tools to work with Federal agencies to ensure that more digital information is brought into the program on a systematic basis.

It does envision an expanded role for GPO in some areas that we anticipate will require additional staff and additional IT systems, but I think that that will be done on an evolutionary basis. We are not going to be able to go zero to 60 all of a sudden. What we will in fact be doing is building on certain services that we already have operating.

Our request for fiscal year 2019 seeks an increase in funding for the public information programs of the Superintendent of Documents to be more aggressive in collecting digital data from the executive branch. So it is kind of a downpayment on that already.

I think with ongoing savings in the congressional publishing appropriation, it is quite likely that we could see a stable appropriation with increases for public information programs for the Superintendent of Documents and offsetting decreases in congressional publishing.

Mr. YODER. Mr. Ryan.

#### BUILDING SPACE AT GPO

Mr. RYAN. Thank you, Mr. Chairman.

I am having a bit of nostalgia here. I was an intern in 1995, and my job was to get the Congressional Records tied up in a bow and go put them on everyone's desk. So as a Member, I am glad that no one has to do that anymore.

I have got a couple of questions. They are kind of more about the real estate, some of the real estate issues. We have talked about the Books for the Blind Program. Can you give us an update on where we are with that?

Mr. SHERMAN. Yes, sir. We were asked by the staff of this committee a month or two ago to look into whether available space could be prepared for the NLS. We think it is possible at GPO. We have got certain space currently occupied by binding equipment

which could be relocated out of where it is, and we could make some other housing changes for some of our staff on both the fourth and fifth floors of our building.

We are talking about a package of space that is the equivalent of 50,000 to 60,000 square feet. The Architect of the Capitol has been over with some of the NLS staff and has already looked at the space. And as I understand it, there is report language about the development of a feasibility plan for this.

We are in the process of making a major acquisition of new press equipment to print the Congressional Record and the Federal Register, as well as congressional calendars. The current equipment we have consists of three enormous newspaper presses that we bought in 1995, at a time when we were printing about 20,000 copies of the Record at night and 35,000 copies of the Register at night.

We need to get smaller, more flexible ink jet machines because the print runs for these publications are tending towards less than 2,000 now.

Once we make that acquisition and install the smaller equipment, we will get rid of this larger equipment, and that will provide more space that we can move existing binding systems into and free up space for the NLS. So we are happy to work with the AOC and the LOC on this project.

#### GPO'S DATA CENTERS

Mr. RYAN. Great. We appreciate that.

The other issue is the future location of primary and backup data centers.

Mr. SHERMAN. We actually anticipated this several years ago by moving our primary data center outside the building to the Legislative Branch ACF. We still have a data center in our building that we believe we could reduce by about 50 percent and relocate that as well.

We still need, as I understand the House still needs, some access to a data center on site, but the footprint of that can be substantially reduced. Herb and I have already talked to our CIO about coming up with a plan for us. He will be visiting the Redstone Turner site later this month, and we are going to come up with a plan to carry this out.

Mr. RYAN. How close does it have to be?

Mr. SHERMAN. The amount of material that we would reduce in our current building here, we would move to an alternate location.

Mr. RYAN. A lot of what we deal with, with regard to protecting our systems deals with cyber and cybersecurity. Is there any issue within the GPO?

Mr. SHERMAN. Yes, sir. Anybody who doesn't worry about it doesn't know what they are doing. We expend a great deal of money on cybersecurity. We are members of the Legislative Branch Cybersecurity Working Group, as well as the Legislative Branch CIO Council, and the Legislative Branch Chief Information Security Officer Council.

The budget that we just got approved through the omnibus has \$2 million for cybersecurity, which we will spend, and we are asking for another million in the fiscal year 2019 budget. We have close ties with the Department of Homeland Security and the rel-

evant law enforcement agencies to help us police our cybersecurity. It is something that we always are very cognizant of. We don't want to brag about it, because it is a continually evolving field.

Mr. RYAN. Right. Only as good as your next shot, right?

Mr. SHERMAN. Yes, sir.

Mr. RYAN. Well, keep us abreast of any needs you may have with that.

Mr. SHERMAN. Yes, sir.

Mr. RYAN. I yield back.

#### GPO AND PASSPORTS

Mr. YODER. Talk to the committee about passports. What does the future of passports look like?

Mr. SHERMAN. Yes, sir. Since 1926, GPO has been producing passports for the State Department. Until 1985, that was a modest line of business for us. They were hand-bound and we produced maybe 3 or 4 million a year.

Starting in 2007, the passports that we produce began to be manufactured in compliance with International Civil Aeronautics Organization, or ICAO, standards. This is a U.N. Organization where the signatory nations agree to have certain features in their passports to improve interoperability in crossing each other's borders.

Passports since then have had an electronic chip in them and an antenna array implanted in the cover which carries personal data, the same as the data that is printed on the personal page.

We produce blank passports for the State Department. The State Department personalizes them with the information that is adjudicated from applicants for passports.

Last year, we produced about 22 million passports. It is not a modest line of business anymore. It is a high-tech, automated process with a significant secure IT component to it. And we manage a secure supply chain as well as provide other forms of security to it.

We are in the process right now of getting ready to produce what is called the Next Generation passport. This passport, for the personalized page, will have a polycarbonate card sewn into the binding of the book. To personalize it, the State Department will laser engrave the information on that card. This is an advanced anticounterfeiting device.

We are continually working with the State Department on security features for the passport. Over the last 5 years, we have spent about \$100 million, which we have recovered through fees we charge to the State Department for passport production, in capital investments for the equipment to produce this line of work.

We have reconstructed our facility substantially to do that. We would be happy to have you over to show you what we have and what we do. We have passport operations not only here in Washington, D.C., but in southwest Mississippi at the Stennis Space Center.

By the way, this program is not based on appropriated funds.

Mr. YODER. Yes, how is that funded?

Mr. SHERMAN. We charge the State Department a fee for every passport we make. It is approximately \$15 a passport.

Mr. YODER. And that will continue with the NextGen passports?

Mr. SHERMAN. Yes, sir.

Mr. YODER. The same fee or same at least—

Mr. SHERMAN. We anticipate that it will increase.

Mr. YODER. We will pay for it one way or another, I guess.

Mr. SHERMAN. GPO's price is currently \$15. The fee paid to get a passport includes other costs which are not our costs.

#### GPO'S ONLINE INFORMATION SYSTEM

Mr. YODER. We discussed earlier in the hearing the digitization of records, in particular govinfo, which I understand has moved out of beta this past December. What is the status of your plan to replace the Federal Digital System with the new information access system govinfo?

Mr. SHERMAN. That is a good question. Govinfo is the third iteration of our online information services, which started in 1994. We have been putting the Congressional Record and congressional documents online for the public for about 25 years now.

The first system was called GPO Access. That ran for many years. It was modernized with the Federal Digital System, which debuted in 2009, and now that system itself has become dated.

And we have upgraded our systems completely with govinfo, which is mobile friendly and has a number of interesting search features. For example, if you search on a congressional bill, it will show you not only the bill, but if it has been enacted, the law, the debate that was associated with it, and any regulations that might have been issued pursuant to it. It is much more modern than FDsys.

And this shows you how quickly things change in the digital world. FDsys was up and operating for well, approximately, it will be close to 10 years. But after that, the system had to be refreshed and rebuilt. We will move FDsys out of operation by the end of this calendar year and govinfo will become our system of record.

Mr. YODER. By the end of the year?

Mr. SHERMAN. Yes, sir.

Mr. YODER. And how long do you see its lifespan?

Mr. SHERMAN. We are hoping for a good 5 years. But, again, it depends on how rapidly technology keeps changing.

Mr. YODER. And what are the modernizations of govinfo off of the current system, the FDsys?

Mr. SHERMAN. The amount of content continues to expand. The searchability is much improved. The retrieval has features like the one I just described. It is mobile friendly. FDsys was not.

So we don't have to build apps anymore, and we were in that business for a while. The United States Budget is an app which you can read on your phone. We don't need to do that anymore because govinfo is gauged directly for that technology.

Depending on how quickly things keep changing, what other features pop up, it is really anybody's guess.

Mr. YODER. Mr. Ryan.

Mr. RYAN. I am good, Mr. Chairman.

Thank you so much for your time.

Mr. YODER. Gentlemen, thanks for your testimony. I think it is good to have GPO come before the committee and continue to con-

duct good oversight and ensure that we are making GPO successful carrying out its mission and doing so in the most cost-effective manner.

Mr. SHERMAN. Mr. Chairman, Mr. Ryan, we appreciate your support. We work very closely with the staffs of this committee and have nothing but good things to say about them. And we look forward to continuing to work with you on this budget.

Actually we would love to have you down for a tour.

Mr. YODER. Let's do that.

Mr. SHERMAN. It is an interesting place to see. It is a great Washington institution.

Mr. YODER. Let's do that.

Thanks for your work. Thanks for your leadership. Thank you for your appearance today. We will continue to work with you.

The subcommittee stands in recess until 2 p.m. today, at which time it will receive testimony from the Architect of the Capitol.

[Questions for the record follow:]

**Title 44:**

House Administration is working on revisions to Chapter 19 of Title 44 which focus on the Federal Depository Library Program (FDLP). This program was created to make Federal Government publications available to the public at no cost. The House Administration Bill greatly expands the electronic distribution of documents which would allow more depository libraries to participate and provides the flexibility of not having to have shelf space for all the hard copies.

- What impact would these proposed revisions have on GPO's appropriations requirements?

**Answer:**

As discussed during the hearing, this bill – H.R. 5305 – envisions an expanded role for GPO in some areas that we anticipate will require additional staff and IT systems, but we think that can be done on an evolutionary basis. What we will be doing is building on many services that we already have operating, some of which we would need to expand in any event as the result of a GPO Office of Inspector General audit of the FDLP that was issued in early FY 2018 (“Additional Information Needed for Ensuring Availability of Government Information Through the Federal Depository Library Program,” Audit Report No. 18-01, October 12, 2017; available at <https://www.gpo.gov/docs/default-source/inspector-general/audits/2018/18-01.pdf>). This audit found that:

GPO took a number of steps for ensuring information developed at the expense of taxpayers was available to the public through the FDLP. For example, GPO reports that more than 1 million Federal titles are made online from both GPO and links to servers in other agencies. GPO also provides both tangible and digital information products obtained from the three branches of the Federal Government through 1,159 Federal, academic, public, law, and other libraries nationwide participating in the FDLP.

While those efforts were prominent, GPO did not identify outcome-oriented goals and metrics that would more clearly define what achievements it sought through those efforts. We noted: (1) agencies did not provide a list of publications to GPO, as required by law, (2) policies and procedures were not detailed to support program goals, and (3) processes to capture Government publications need strengthening.

Without clear goals and metrics, the effectiveness and efficiency of the FDLP is difficult to measure. In Fiscal Years (FYs) 2016 and 2017, GPO was appropriated \$21.3 million and \$20.6 million respectively to disseminate information products to participating libraries in the FDLP. The costs of the program are related to identifying, acquiring, cataloging, linking to, authenticating, modernizing, and providing permanent public access to digital Government information. The costs include on-going maintenance and update expenses for digital resources.

To address these issues, the OIG audit recommended that:

the Acting Superintendent of Documents: 1) strengthen policies, procedures, and processes to capture Government publications, and 2) define goals and metrics to provide a basis for assessing and reporting on the status of the accuracy and completeness of the FDLP.

Following below is a cost estimate we have provided to the Congressional Budget Office (CBO) for H.R. 5305. There are 4 new initiatives we would undertake if the bill is enacted: digital deposit to the libraries, implementation of a regulatory process, managing gift authority, and preservation services in support of the National Collection (involving inventory, condition assessment, and cataloging). Over the next five years we estimate that the cumulative cost of these activities would be approximately \$13 million, or \$2.6 million annually, primarily in support of preservation services.

Our request for the Public Information Programs of the Superintendent of Documents Appropriation for FY 2019 includes an increase of \$3 million over the previous year, largely in response to the OIG audit findings. From our point of view future increases for this account would be similarly modest and attainable with prudent management of other GPO spending. They could be offset at least in part by continuing cost savings in congressional publishing, and by a continuing decrease in FDLP activities associated with print distribution.

#### COST ESTIMATES FOR SCORING H.R. 5305

##### **Deposit of Digital Content in Federal Depository Libraries (§1743)**

- \$1,166,000 over 5 years, 2019 – 2023
- Consulting (\$500k one time cost) – Determine user needs and develop delivery processes
- 2 Digital Technicians – GS 8 (\$132k each per year includes benefits) – Package conversion, creation and transfer to libraries

##### **FDLP Regulatory Process (several sections indicate “...under this section shall be carried out in accordance with regulations promulgated under this subchapter”)**

- \$1,760,000 over 5 years, 2019 – 2023
- Consulting (\$500k one time cost) – Support to establish the FDLP regulatory processes
- Sr. Program Planning Specialist (librarian) – GS 14 (\$169k per year includes benefits) - Develop and manage Regulatory Plans; program oversight
- Administrative librarian/Technical Writer – GS 9 (\$83k per year includes benefits) – Draft and track documents/comments

##### **Gift Authority (§1763)**

- \$1 million over 5 years, 2019 – 2023.
- Consulting (\$500k one time cost) - support program development and implementation

- Senior Development Officer (\$100K per year) – Serves as a coordinator, providing program oversight

**Preservation Services** for Federal Deposit Libraries in support of establishing and preserving the National Collection (inventory, condition assessment, cataloging) **(§1721, Establishment of the National Collection and §1725, Comprehensive Catalog)**

- \$9,089,600 over 5 years, 2019 – 2023 (includes per diem for field work) (\$1,817,920 per year)
- 7 Field Technical Services Librarians GS 11 (\$91k each per year includes benefits) – Cataloging/metadata/holdings record creation
- 3 Field Collections Care Librarians GS 11 (\$91k each per year includes benefits) – Provides ongoing collection condition assessment, stabilization, and repair of tangible information dissemination products
- Estimated per diem/travel expenses for 5 days per pay period, \$314,600

$\$1,166,000 + \$1,760,000 + \$1,000,000 + \$9,089,600 = \$13,015,600$

**BOTTOM LINE: \$13,015,600 for five years or \$2,603,120 per year**

**Facilities:**

GPO manages four buildings on North Capitol Street.

- Can you tell us about your activities and plans to make more efficient use of space, such as your leasing program?
- What is the status of plans to move the National Archives' Congressional Legislative Archives to GPO and when will this be accomplished?

**Answer:**

Since 2004, GPO has made space available for other Federal agencies (primarily from the Legislative Branch) on a reimbursable basis. The rates we charge per square foot generate funds to help offset our building costs, which are a component of our overhead expenses that otherwise must be recovered through the rates we charge for our products and services. Our space sharing program has been supported by the Joint Committee on Printing, the House and Senate appropriations committees, and an independent review of GPO by the National Academy of Public Administration (see *Rebooting the Government Printing Office: Keeping America Informed in the Digital Age*, January 2013, available at [https://www.gpo.gov/pdfs/about/GPO\\_NAPA\\_Report\\_FINAL.pdf](https://www.gpo.gov/pdfs/about/GPO_NAPA_Report_FINAL.pdf), pp. 95-6). The response to the program has been positive: since it began, no participating entity has dropped out (other than those who were here on a temporary basis to begin with). Last year, we received the following message from the staff director of an entity housed in GPO: "I wanted to thank you for the outstanding service that GPO offers to -----". Our experience as a tenant within the GPO building has been beyond spectacular."

GPO currently has leased about 91,000 sq ft of space to units of the U.S. Capitol Police, the Architect of the Capitol, the Senate Sergeant at Arms, the offices of the Federal Register and Government Information Services of the National Archives and Records Administration (NARA), and the staff of the U.S. Commission on International Religious Freedom. Altogether,

these leases generate nearly \$2.3 million in revenue for GPO annually. Every 4 years, in support of the Presidential Inauguration, we lease an additional small amount of space to the USCP.

Approximately 24,250 sq ft of space in GPO's Building A is being developed for phase I of NARA's Congressional Legislative Archives, and it is expected to be ready for use before the end of calendar year 2018. An additional 24,000 sq ft of space in GPO's Building D will be made available for development as phase II of this project. Together, these spaces will be capable of housing the current NARA Congressional Legislative Archives collections plus provide additional room for expansion of the collection.

Other pending plans include the development of additional space in GPO's Building A for the use of the Senate Sergeant at Arms. In addition, language in the Omnibus Appropriations Act for FY 2018 requires the AOC, with GPO and the LOC, to study the feasibility of developing approximately 60,000 sq ft of space in Building A to house the Library of Congress's National Library Service for the Blind and the Physically Handicapped.

**United States Legislative Markup XML:**

The Bulk Data Task Force, which the Legislative Branch created, wanted to ensure everything moving forward is in USLM so there is no need for conversion in the future.

- What is the status of the United States Legislative Markup project you are working on with the Clerk of the House?

**Answer:**

In support of the Legislative Branch Bulk Data Task Force, GPO, the Clerk of the House, and the Secretary of the Senate have been working on a project to convert a subset of key legislative documents, including enrolled bills, public laws, and the *Statutes at Large*, into United States Legislative Markup (USLM). USLM is an internationally recognized XML information model designed to represent the legislation of the United States Congress. It is designed to semantically and structurally describe legislative and legal documents in a machine-readable format.

Currently, we are finalizing USLM XML data models for enrolled bills, public laws, and the *Statutes at Large*, which involves generating sample USLM XML for House and Senate review. Additionally, we are updating the USLM schema, developing the multistage converters, and integrating this data with **govinfo**. The timeframes for USLM XML deliverables are:

- Enrolled Bills - May 2018
- Public Laws - June 2018
- *Statutes at Large* – July 2018

We are also coordinating with the Clerk of the House and the House and Senate offices of Legislative Counsel on a project initiated by the Bulk Data Task Force to convert Statute Compilations into USLM, with a projected completion date in FY 2019.

**Statutes at Large:**

There has been a desire to make many, if not all, issues of the *Statutes at Large* dating back to 1789 available in USLM format. To date, as part of a recommendation from the Bulk Data Task Force and a Speaker Ryan initiative, all *Statutes at Large* from 2003-2011 are in the process of being converted and will be completed by this summer. The issues for the years 1951-2002 are current available online in PDF format.

- How could digitization of the remaining years be funded, if you are requested to do it?

**Answer:**

GPO's FDsys/govinfo system currently makes digital versions of the *Statutes at Large* available for all years 1951-2011 as searchable PDF files.

We are currently converting years 2003-2011 to USLM format as part of the USLM project being conducted by GPO and the Clerk's office through the Bulk Data Task Force.

For GPO to convert all issues of the *Statutes at Large* for the years prior to 2003 to USLM, the project would require two phases: (1) converting the text for the years 1951 to 2002 to USLM; and (2) digitizing the *Statutes* for the years 1789 through 1950 and then converting to USLM. Based on an initial assessment, the estimated cost of this work would be \$5 million annually for 5 years. The quality control aspect of the work will be considerable—ensuring that the text of the digitized files is accurate—particularly for the issues dating 1789 through 1950.

The project could be funded from transfers of the unexpended balances of prior year Congressional Publishing appropriations, as provided for by GPO's appropriations statute, as well as any additional amounts that may need to be appropriated annually.

**GPO Plant:**

- What systems and equipment investments in the GPO Plant have been achieved and are planned to improve efficiency?

**Answer:**

While transforming to an increasingly digital footing, GPO continues to provide an array of printing services to support the needs of Congress, Federal agencies, and the public, and we are retooling our print operations to take advantage of the efficiencies provided by modern equipment. In FY 2015 we put into operation our new zero make-ready (ZMR) press to support congressional and Federal agency publishing requirements, and as a result were able to reduce the cost of producing congressional hearings.

In the spring of 2017, we installed the second of two new high-efficiency Muller Martini "Bolero" adhesive binding lines, which is now used to bind printed copies of the *Congressional Record* as well as other products. The equipment completes the replacement of three binding lines installed more than 30 years ago, improving productivity and freeing up plant production space for other uses. We also developed plans for the replacement of three large newspaper-style web presses used for the production of the *Congressional Record* and business calendars with smaller, more flexible digital presses. The procurement for this equipment has been initiated.

In addition, GPO recently installed a Ryobi LED UV Perfector Eight-Color Press, which enables us to expedite the printing and binding process for color products. We are also in the final stages of acceptance testing for a new Kolbus Case Line System. The new system replaces a case line that was over 25 years old and other equipment that was over 35 years old. So far, the new system has reduced make-ready time from two days of two shifts to four hours.

GPO is also continuing the development of a new XML-based automated composition system to replace our aging proprietary Microcomp system, known as the Composition System Replacement (CSR) project. At the opening of the 115<sup>th</sup> Congress in January 2017, we began deploying a beta system for the composition of congressional bills to the offices of the Clerk of the House and the Secretary of the Senate. The CSR team is working closely with House and Senate staff to ensure that CSR integrates seamlessly with specific authoring environments that are currently utilized for bills.

In May 2017, GPO received the In-plant Innovator Award for its modernization initiatives at the In-plant Innovators Conference, sponsored by NAPCO and *In-plant Graphics* magazine. Held at GPO, the conference attracted industry leaders from around the country to discuss emerging trends and opportunities in digital printing and publishing. GPO was named an innovator for its continued efforts to bring more efficiency to the agency's production operations for Congress and Federal agencies.

GPO's modernization initiatives are also helping to make agency more environmentally sustainable. In 2017, Plant Operations was re-certified for meeting sustainable environmental standards by The Sustainable Green Printing Partnership (SGP), a non-profit organization. This was the GPO's third certification since 2012. SGP-certified printers are held to rigorous standards and go through a months-long process where each aspect of their business is evaluated. Certification shows the printer is achieving energy savings, waste reduction, emission reduction, and reduced resource consumption. Some of those initiatives have included installation of the new bindery equipment and the ZMR press to reduce waste paper and energy consumption; a pre-press waste chemical discharge treatment unit; improvements to reduce electrical consumption; and continuing to recycle paper, aluminum, and metals.

**Federal Digital System (FDsys):**

GPO's Federal Digital System (FDsys) provides permanent public access to Federal Government information at no charge. Your successor system, **govinfo**, moved out of beta this last December

- What is the status of your plan to replace FDsys with your new information access system, **govinfo**?

**Answer:**

GPO has provided online access to Federal Government information from all three branches since 1994 when we created the *GPO Access* website. GPO continued to innovate by launching the Federal Digital System (FDsys) in 2009, and in 2016, GPO debuted the modern, mobile-friendly **govinfo** ([www.govinfo.gov](http://www.govinfo.gov)). **Govinfo** offers many enhancements over FDsys including:

- Optimization for display on mobile devices
- More relevant and precise search results
- Integrated social media sharing

- New Related Documents feature
- Curated content and new ways to browse
- Developer tools and data feeds
- Expanded help and resources

In December 2018, GPO plans to retire FDsys, and **govinfo** will take its place as GPO's system of record for official Government information.

While FDsys will remain available until its retirement, throughout the coming months users will be encouraged to transition to **govinfo**. Immediately before FDsys is retired, redirects from FDsys to **govinfo** will be enabled, but users will be encouraged to prepare for the FDsys retirement by proactively updating their systems and links to point to **govinfo** instead of FDsys. GPO will work with legislative data partners in order to ensure a seamless flow of congressional data across the legislative branch.

**Cybersecurity:**

- What are your plans to enhance GPO's cybersecurity posture?

**Answer:**

Cybersecurity is a continuing concern to GPO as it is through the public and private sectors. The cybersecurity threat environment faced by Federal agencies continues to change rapidly and presents substantive risks and dangers to organizations.

GPO is addressing that threat environment by implementing enhanced IT security systems that are intended to reduce the risk of unauthorized data exfiltration, unauthorized access, unauthorized changes to data, and related impacts. Our appropriations as approved for FY 2018 include \$2 million for security enhancements for advanced persistent threat. Our FY 2019 request includes an additional \$1 million for this purpose.

In addition to these efforts, GPO collaborates with other legislative branch organizations dedicated to cybersecurity, including the Legislative Branch Chief Information Officers Council, the Legislative Branch Chief Information Security Officers Council, and the Legislative Branch Cybersecurity Working Group, as well as cybersecurity and law enforcement efforts government-wide.

Like other legislative branch agencies, GPO also has capabilities and plans for the location of data center operations in remote facilities.

**Passports:**

- How will the next generation of U.S. Passports be funded?

**Answer:**

GPO produces blank U.S. Passports for the Department of State (DOS) and is reimbursed by the DOS for the cost of goods and services provided. The price per each Passport includes a component for capital investment in the equipment and processes required by GPO to produce them.

Using these funds, over the past five years GPO has acquired the equipment and systems and performed the testing needed to produce the next generation of U.S. Passports, which will include new features designed to enhance the security of these essential identity documents. The funding for this work comes solely from DOS reimbursements and not from appropriations to the GPO.



THURSDAY, APRIL 12, 2018.

## ARCHITECT OF THE CAPITOL

### WITNESS

HON. STEPHEN T. AYERS, ARCHITECT OF THE CAPITOL

#### CHAIRMAN REMARKS

Mr. YODER. Good afternoon, everybody. I call the House Legislative Branch Subcommittee back to order. We were in this morning at 10:00 a.m. for a hearing with the Government Publishing Office, and this afternoon we have the Architect of the Capitol.

Today I would like to welcome Stephen Ayers, the 11th Architect of the Capitol. We will hear testimony regarding the Architect of the Capitol's fiscal year 2019 budget.

Since he last appeared before this subcommittee, the AOC has made significant progress with several initiatives. They include preservation products across the campus at the Capitol, Supreme Court, Russell Senate Office Building, and Botanic Garden. Additionally, work on the west wing of the Cannon House Office Building is more than 50-percent complete, with the goal of 100-percent completion by this year's congressional transition. Furthermore, conservation of the Capitol's Brumidi Corridors was completed. I look forward to hearing about these projects.

These projects, along with several others, were done by the AOC while also maintaining its day-to-day services and operations, which include welcoming over 3 million visitors to the Capitol Visitor Center and the Botanic Garden. It is safe to say the AOC had a busy year, and I commend the organization for its hard work.

The larger, ongoing, multiphase projects included in this request are the Cannon House Office Building renewal, which is a \$752.7 million project, of which is \$62 million is included in this year's request. Also included is a request for \$32.7 million for the final phase of the Rayburn Interior Garage Rehabilitation Project, a project that will total \$131 million. And, finally, in the request is \$22.6 million for cooling tower renovations at the Capitol Power Plant, with that project's total cost estimated at \$232.6 million.

Over the last year, I have had the opportunity to learn more about these projects and appreciate the site visits the AOC has hosted. Anytime I get to wear a hardhat, that is a good time.

Mr. Ayers, I look forward to continuing to work with you and your team as the subcommittee puts together the fiscal year 2019 legislative branch appropriation bill. So welcome to the committee.

Mr. AYERS. Thank you, Chairman Yoder.

Mr. YODER. And, at this point, I would like to yield to my good friend, the Honorable Tim Ryan.

## RANKING MEMBER REMARKS

Mr. RYAN. Thank you, Mr. Chairman.

We appreciate your time and effort. We have had some great tours.

And we know that the omnibus we just passed, you received \$712 million, a 15-percent increase over fiscal year 2017. And in your request for fiscal year 2019, you asked for \$720.2 million, which is a 1.1-percent increase. Your budget is heavily project-based, so your request can go up or down depending on what work happens to be needed in a particular year. But even taking that into account, the increase you are requesting today is fairly modest. I hope we can get you the resources you need for 2019.

And of the project dollars you are requesting, I notice that 49 percent of it is classified as deferred maintenance, meaning around half of the work is just to catch up with the needs of our buildings and infrastructure that has passed the end of its useful life. And I think that is very telling, and it is a good indication of how we approached investments in our country generally under sequestration. I am pleased that with the budget caps deal we struck earlier this year we are starting to dig ourselves out of that hole.

And your organization's responsibilities are extremely far-ranging, from security infrastructure to daycare centers, to power plants and gardens, and we have a lot to talk about, so I will save the rest of my comments for the round of questions.

Thank you, Mr. Chairman, for your scholarly leadership. And I yield back the balance of my time.

Mr. YODER. Thank you, Mr. Ryan.

## SUMMARY STATEMENT OF STEPHEN T. AYERS

Mr. Ayers, your complete statement will be made part of the record, but feel free to summarize your remarks for the committee at this time.

Mr. AYERS. Thank you, Chairman Yoder, Ranking Member Ryan and members of the subcommittee. I appreciate the opportunity to present the Architect of the Capitol's budget request for fiscal year 2019.

First, I would like to thank the subcommittee for your support of our needs in the fiscal year 2018 omnibus. The projects and initiatives that you were able to fund in that bill I know will be important to our collective success moving forward. This funding will also assist our more than 2,100 talented employees with reducing the constraints that have been put upon them in recent years, impeding their ability to get their jobs done.

We take pride in our mission to serve the Congress and the Supreme Court and preserve America's Capitol, as well as inspiring memorable experiences for those that visit here, I am pleased to tell you that I am incredibly happy with our accomplishments over the last year.

As the chairman noted, we successfully completed the conservation of the Capitol's Brumidi Corridors this year. Several major projects across the campus reached milestones, including the stone preservation projects at the United States Capitol, the United

States Supreme Court, the Russell Senate Office Building, and the United States Botanic Garden Conservatory.

Also, the major equipment needed for the cogeneration system at the Capitol Power Plant has been installed, and testing is underway. And I know you will be interested to know we are going to have a first fire of that piece of equipment this summer. So that will be a fun event for us, and we look forward to celebrating that.

Unfortunately, our annual costs continue to rise and our work is often backlogged. Our request of \$720 million represents the resources we need to support our infrastructure and fulfill our mission day to day.

Our ability to retain sufficient people to keep up with increased security demands is important. Reducing our risk of infrastructure failures that lead to larger and more costly repairs is equally as essential.

Additionally, with annual visitation growing by 12.5 percent last year, another 8 percent this year, trending on top of that 12-percent increase last year, resources and people are needed to continue to provide first-rate customer service, first-rate visitor engagement to your constituents.

We must bolster our common central services that improve our agency effectiveness and decrease the operating costs for all of our jurisdictions. These services include the AOC's specialized construction, project management, historic preservation, cybersecurity, safety, information technology support functions, just to name a few. Inadequate funding for these services is critical in the successful delivery of our construction projects each year.

For 2019, our agency's risk-based prioritization process identified \$173 million of projects that are primed and ready for 2019 funding. Of this, about \$49 million of them are requests for projects that were requested in 2018 but were unable to be funded. This includes the north-exit stair improvement project at the Library of Congress' Jefferson Building, which would address a citation that we have received from the Office of Compliance.

In the House, we are seeking funding for the final phase of the four-phase Rayburn garage interior rehabilitation.

We also continue to prioritize security upgrades across the Capitol campus, with the ongoing effort to replace vehicle barriers and kiosks that have reached the end of their intended life.

Additionally, for a third year, we are pursuing funding to begin the replacement of critical infrastructure at the Alternate Computer Facility, which is an important component of maintaining reliable IT operations for the Congress.

While to an untrained eye our buildings look to be in great condition, delays in our annual preventive maintenance initiatives and the continued phasing of some of our major projects are concerning to us. Funding the needs as we have identified them in our 2019 budget will ensure that stakeholders and visitors to Capitol Hill experience the great grandeur of these historic treasures that we experience every day.

Thank you, Mr. Chairman. I would be happy to answer any questions you may have.

[The prepared statement of Stephen T. Ayers follows:]

**Statement of the Honorable Stephen T. Ayers, FAIA, LEED AP  
Architect of the Capitol**

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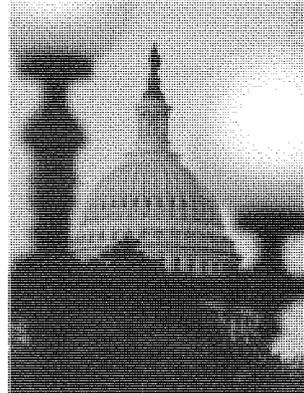
**Architect of the Capitol Fiscal Year 2019 Appropriations**

**Statement before the Subcommittee on Legislative Branch,  
Committee on Appropriations, United States House of Representatives**

April 12, 2018

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) 2019 budget. Our request of \$720 million is a modest representation of the resources needed to support our infrastructure and adequately fulfill our mission to serve Congress and the Supreme Court, preserve America's Capitol and inspire memorable experiences.

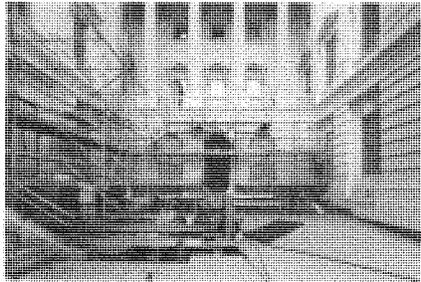
This year, the AOC celebrates the 225th anniversary of President George Washington accepting Dr. William Thornton's design for the U.S. Capitol. Honored as the first Architect of the Capitol, Dr. Thornton could hardly have imagined how much the U.S. Capitol and our campus would change and expand from his design, adopted on April 2, 1793. Today, we operate and care for more than 18.4 million square feet across 37 facilities and 570 acres of grounds.



VIEW OF THE U.S. CAPITOL BUILDING FROM THE U.S. BOTANIC GARDEN'S BARTHOLOMI PARK

Every day the AOC works to preserve our historic and aging infrastructure, while upgrading facilities to meet the needs of a 21st century workforce and address rapidly evolving security requirements. In FY 2018, Congress provided a significant budgetary increase that will help reduce operational constraints that impede the ability of our more than 2,100 skilled employees.

The talented men and women of the AOC strategically plan, allocate and manage our resources across the agency to support high-profile events, construct and develop critical infrastructure projects, and meet the daily needs of building occupants and visitors. Last year, we successfully supported preparations for the 58th Presidential Inauguration, completed the conservation of the U.S. Capitol's Brumidi Corridors, and introduced a new automated system for congressional staff to quickly and easily obtain passes for their tour groups.



CAPITOL EXTERIOR STONE & METAL PRESERVATION PROJECT

We reached milestones on several major projects across campus including stone preservation projects at the U.S. Capitol, U.S. Supreme Court, Russell Senate Office Building and U.S. Botanic Garden Conservatory. Also, the necessary major equipment needed for the cogeneration system has been installed and testing is underway.

Unfortunately, these successes do not seem as grand when measured against our limited ability to keep pace with mounting needs. Additional increases are needed in FY 2019 to address critical operational and capital deficiencies that could negatively impact our performance. AOC employees are in a race against time as the infrastructure rapidly deteriorates and projects continue to accumulate.



MAINTAINING A HIGHLY SKILLED WORKFORCE IMPROVES THE SAFETY AND SECURITY OF OUR INFRASTRUCTURE

AOC professionals are our greatest asset. We strive to provide streamlined, efficient operations and maintenance activities. Fully funding payroll obligations and bolstering support for maintenance activities reduces the risk of infrastructure failures that will require larger and more costly repairs.

Each year, inflationary personnel and preservation costs continue to rise. The ability to sustain adequate personnel to keep up with increased security requirements is essential to support U.S. Capitol Police facilities and congressional resiliency requirements.

Additionally, with annual visitation growing by approximately 12.5 percent each year, increases are needed for the U.S. Capitol Visitor Center, the U.S. Botanic Garden and the Library of Congress to continue to inspire current and future visitors by providing first-rate customer service, hospitality and visitor engagement. The ability to improve their facilities and grow the exhibit and education capabilities requires additional resources to maintain the high level of quality visitors expect, desire and deserve when visiting their nation's capital.

Any further reductions in common central services, funded through the Capital Construction and Operations appropriation, threatens agency efficiencies and increases jurisdictional operating costs. These services include supporting the AOC's specialized construction, curatorial, design, energy and sustainability, facilities planning, high voltage, historic preservation, project management, safety, fire and environmental, cybersecurity, and technical support functions.

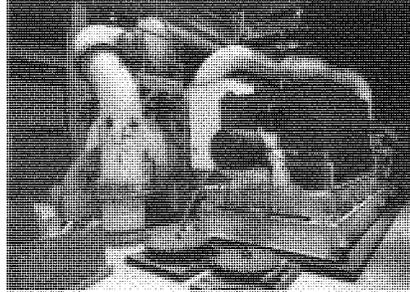


VISITORS AT THE U.S. BOTANIC GARDEN PARTICIPATE IN A HANDS-ON GARDEN EXHIBIT

The increased funding in FY 2018 will allow us to slow the need to move funds targeted for supplies, routine maintenance, upgrades, inspections and emergency repairs to cover annual inflationary increases while mitigating negative impacts to our mission requirements. We will continue to work to reverse this trend and prevent a reactionary posture that largely addresses issues as failures occur. We must not fall back into a position that increases the risk of system failures that will require larger and more costly repairs.

Our FY 2019 request includes a \$21 million increase to specifically address costs for supplies, routine maintenance, upgrades, inspections and emergency repairs that continue to escalate.

To an untrained eye, our buildings look to be in great condition, but across campus we continue to face a growing list of work-arounds that are needed to circumvent problems and simply maintain current operations. With additional funding we can begin to change this dynamic and ensure we maintain all systems responsibly, thereby reducing the need for more numerous and expensive Line Item Construction Program (LICP) projects on an annual basis.



CAPITOL POWER PLANT REFRIGERATION PLANT REVITALIZATION PROJECT

Delays in annual preventive and corrective maintenance initiatives and the continued phasing of major replacement and renovation



INCREASED EXIT OPTIONS IN THE THOMAS JEFFERSON BUILDING ARE NEEDED TO IMPROVE THE SAFETY OF OCCUPANTS AND VISITORS

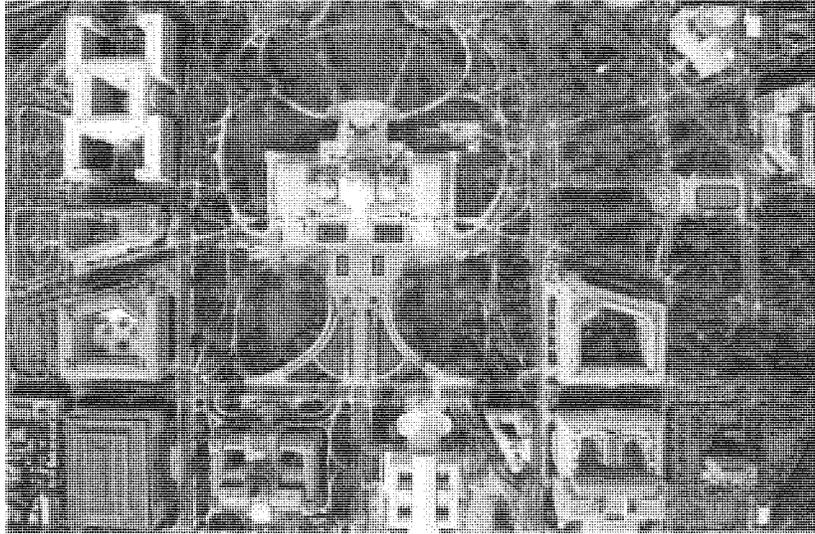
projects wreak havoc on infrastructure systems. To address this, the agency's risk-based prioritization process identified \$173 million in LICP projects primed for FY 2019 funding. Of this, approximately \$22.7 million (13 percent) will be used to complete the next phases of critical infrastructure projects needed at the Capitol Power Plant.

Projects that were requested in FY 2018 but did not secure funding represent an additional \$49 million (28 percent), including the North Exit Stair Improvement project at the Library of Congress' Thomas Jefferson Building. This project would address an Office of Compliance citation to increase exiting egress capacity and improve fire protection systems. Funding this project would reduce delays and overcrowding conditions during emergency evacuations.

In the House, we are requesting funding for the final phase of the Rayburn Garage Interior Rehabilitation project. This four-phase project provides significant structural and architectural modifications for life safety, accessibility, lighting, electrical, mechanical, plumbing, fire protection and security systems upgrades.

We continue to prioritize security upgrades across the Capitol campus and the ongoing effort to replace vehicle barriers and kiosks that have reached the end of their intended life cycle. Additionally, we are seeking funding for the first phase of the replacement of all chillers and associated distribution piping within the Alternate Computer Facility, an important component in ensuring efficient, reliable congressional operations.

Adequately funding the AOC's needs as they are identified will ensure the stakeholders and visitors to Capitol Hill experience the grandeur of these historic treasures while meeting the needs of a modern workforce.



AERIAL VIEW OF THE U.S. CAPITOL CAMPUS

## CHILD CARE CENTER

Mr. YODER. Great. Thanks for your testimony, sir.

A few quick questions to get us started.

Could you brief us on the childcare center?

That is a project that we started last year, so, you know, we have funded phase 1 and 2 of that project. Ultimately, that project will house 232 children, up from the current amount of 70, which, of course, there is a long waitlist, we all know, on Capitol Hill.

The old joke is you have to register your child before you are even married or before you are even pregnant. And so we are hoping to alleviate some of that backlog, make the Capitol a more family-friendly place, allowing working parents to continue to work here with convenient and affordable childcare.

So is everything still on track for construction to be completed by November 15th of this year, with an opening in January of 2019?

Mr. AYERS. We are scheduled mid-November to be complete, and that leaves 6 weeks for the House Chief Administrative Officer to outfit it with furniture and supplies and to do some training with the folks that will work there. So we are working towards that date.

Obviously, this is a pretty high-risk project for us. You know, we developed a cost estimate and provided that \$15 million estimate before we had design documents even started. We are putting forth a great deal of effort to manage it day to day, to keep costs under control.

We are pretty comfortable with that November date. We are a little less comfortable with the number, but we are working hard to keep costs as contained as we possibly can.

Mr. YODER. "On time and under budget" I think is the motto over at the Architect's office, right?

Mr. AYERS. It is, yes. And we do a good job at that, don't we?

Mr. YODER. So we hope you are true to form on this project.

So this will be phase one, correct?

Mr. AYERS. Correct.

Mr. YODER. And then phase two would open up about a year later?

Mr. AYERS. That is correct.

Mr. YODER. Okay. And all resources for that project have been appropriated at this point?

Mr. AYERS. That is correct, yes.

Mr. YODER. In terms of what we budgeted.

Mr. AYERS. Yes.

## CANNON HOUSE OFFICE BUILDING REMOVAL

Mr. YODER. Hopefully we live under that. Okay?

Let's turn to the Cannon House office project for a second. To date, \$502.9 million of that projected budget of \$752.7 million has been provided. For fiscal year, you are requesting \$62 million more in no-year funds for the project.

How much has AOC already obligated for the project to date out of the \$502 million, that we have provided? Why is 62 the number? Can you kind of work through the math on when that would be needed?

What amount of prior-year funding is still currently available for the AOC's use on the project? And is the project on track to be completed on time in its projected \$753 million budget?

Mr. AYERS. First, thank you for that extra little bit of money. It is 752-point-something, so that is a few extra hundred thousand dollars. I do appreciate you rounding up.

That project continues to be running incredibly smoothly for us. It is on time. We are under budget. We are coming up, this November, on an important milestone. We will begin the phase-one move back in and the phase-two move-outs. We will start that, of course, on December 1st, and all of that will happen during the month of December.

We do have \$502 million appropriated for that, with another about \$250 million yet to go to finish that project. We have mapped out what is the minimum amount of funding we need to have each year in the appropriations cycle to enable us to award each phase on time, and that turns out to be \$62 million.

It is important that we appropriate that every single year through the end of this project, and that will enable us to finish it on phase four in 2024.

Mr. YODER. So your plan would be a \$62 million request for 4 more years.

Mr. AYERS. Correct, approximately \$62 million a year to equal \$250 million.

Mr. YODER. Okay. Each year, \$62 million, to get to your roughly \$250 million, in additional resources necessary.

Mr. AYERS. Yes, \$250 million total.

Mr. YODER. Got it.

And the entire project will be completed in 2024?

Mr. AYERS. It is 2024.

Mr. YODER. Okay. And for those who are in Cannon, Members who ask us, so phase one, what areas will be reopening? So some of the fifth floor?

Mr. AYERS. Yes, that is correct, Mr. Chairman. The entire west wing is under construction now. All of that will open back up, the entire west wing—

Mr. YODER. The Rotunda will be back open.

Mr. AYERS. Brand-new fifth floor.

Mr. YODER. Okay.

Mr. AYERS. All of that will open up.

Mr. YODER. Right.

Mr. AYERS. As we will move Members back in. The north wing, along Independence Avenue, is phase two. All will move out in December.

Mr. YODER. Got it.

Mr. AYERS. For the folks that are moving back in, we have identified 21 Members, I think, that are eligible to move back into phase one on the New Jersey Avenue side. We have been in touch with them. About a dozen of them have expressed interest to move back in, so we are working with them now. And they have return rights to their previous suite.

Mr. YODER. Oh, they do. So you can go back to your suite that you had before you were moved out.

Mr. AYERS. If you were in that suite for the full 114th Congress, you do have return rights to that suite.

Mr. YODER. Got it. Okay.

Mr. AYERS. There are 21 of those, and 12 have expressed interest so far.

Mr. YODER. Okay. Well, I look forward to taking a tour later this year and getting an idea of how the progress is coming. Okay?

Mr. AYERS. Great.

Mr. YODER. Mr. Ryan.

Mr. RYAN. Thanks, Mr. Chairman.

#### PARKING

First, let me just say thank you for all your work on the childcare center. I think, other than food, we hear most about the challenges for our staff with regard to childcare, so this has been a huge priority for those of us on this committee.

And I know that the chairman talked to you a little bit about that. Can you talk to us a little bit about the parking? I know there are some unresolved issues there. And when we have toured it, the couple times we have been down there, that is my concern too, getting people in and out of there and what the parking looks like. So if you could maybe share a little bit about where your head is on that.

Mr. AYERS. I would be happy to.

I think the decision point was whether we drop off and pick up on C Street or D Street, and we have made the decision that D Street is the best place to drop off. So we will be dropping off and picking up for the childcare center on D Street.

And we think taking both sides of that street for parking is appropriate. Today, there are 36, at least, parallel-parking slots along that street.

We are hiring a consultant to help us design what interventions we need in that street—improved crosswalks, traffic calming and slowing devices in the street, perhaps some curb bump-outs, maybe slanted parking. Through the design process, we will figure that out and incorporate that into the project.

Mr. RYAN. And everybody is going to be coming in at the same time, obviously, or right around the same window. What negative impacts do you see in the blocks around that? That is a pretty active area in the morning. How bad is it going to be?

Mr. AYERS. I certainly can't sit here and tell you there is not going to be any impact, with 232 children in there. That is potentially 232 drop-offs and pickups. It may not be that many, but potentially that many.

I think it is incumbent upon us to set up a process whereby we can get them in and out fast so that each drop-off is a pretty quick turnaround.

#### ENERGY REDUCTION

Mr. RYAN. And hope the dads aren't dropping off, because we forget stuff all the time, and you have to put the hazards on and get out. It is a mess. But, anyway, I am having a little therapy session here.

The other issue was the green buildings. We have a lot of money, a lot construction, and a lot of renovation. Can you share with us what you are doing with regard to using the latest technologies? Solar panels being a more obvious example of what we are able to do to save money in the long run. We talk about these upfront costs, but saving the taxpayer money in the long run. So if you could talk a little bit about that.

Mr. AYERS. I would be happy to.

The Energy Independence and Security Act required us to reduce our energy intensity by 30 percent. We achieved that goal in 2015, which was the end of that legislation. That same year, we established a new goal for ourselves, thinking that we could get another 20 percent out of our inventory of buildings. So we think 10 years from then, in 2025, we will be able to reach a 50-percent reduction in our energy intensity.

To get the 30 percent in 2015, the biggest thing we did were the three ESPCs, energy savings performance contracts. And that is where private investment came in. Investors and private contractors renovated the House office buildings, the Capitol, and the Senate with nearly \$100 million of investments, and we pay that back through proven energy savings. And that really is the biggest thing that enabled us to reach that 30-percent goal.

The 20 percent more, the two biggest things that are going to be most important there are the cogeneration system at the Capitol Power Plant—when that comes on line, we are going to save significant energy by that. And the three energy savings and performance contracts were so successful for us we decided to do a fourth one at the Library of Congress buildings. And we have modeled that, and it is going to save considerable energy for us as well.

The rest are some behavioral changes that we think our building occupants can make; some technology improvements, by changing some of our mechanical systems from pneumatically controlled to electronically/digitally controlled. Those kinds of investments, we think, are necessary.

But we are pretty confident that we are going to be able to get 50 percent out of our buildings by 2025.

Mr. RYAN. That is fantastic. Thank you. I appreciate that.

I yield back, Mr. Chairman.

Mr. YODER. Mr. Taylor.

#### CYBER SECURITY

Mr. TAYLOR. I just have a couple questions, and you have answered a few. Thank you. Appreciate it.

On cybersecurity systems, can you explain what the standard services are on monitoring of the daily cyber attacks? I know that the last time we had a meeting we had a ton of them that were coming in. Have you seen an uptick in them? And are there any new, emerging threats? And is this the reason that you guys asked for increased funding to harden the network systems?

Mr. AYERS. Thank you, Congressman Taylor.

Congress put together a Legislative Branch Cybersecurity Working Group, and coming out of that group were a series of recommendations for all of the agencies in the Legislative Branch to put forth. And we have requested money in our budget, \$1.8 mil-

lion, to accommodate some of those improvements and some of those hardening initiatives.

Prior to that, for us today, our steady state today is we feel pretty comfortable with our cybersecurity posture. We certainly haven't seen any significant attacks on any of the Architect of the Capitol's systems. We routinely test our system through penetration testing. We do phishing testing with our employees, and people are doing a pretty good job at it.

We are not overly concerned about our systems today but recognize there are some things that we could do to continue to harden them.

#### LEGISLATIVE LANGUAGE

Mr. TAYLOR. Can you speak to the language for the transfer authority of the AOC Office of Security programs? You know, why the request and a justification of it.

Mr. AYERS. Yes. Thank you.

Over the last several years, we have had a number of security project requests in our budget and requests that we are simply not able to fund. We don't have the bandwidth to fund them. But some of our clients come to us with money, and we are able to accommodate that if they can pay for a variety of projects.

This legislation would enable us to easily transfer money from the Capitol Police to us to do a security project they want to do, or from the House or Senate Sergeant-at-Arms to us to execute a security project that they want to do.

It is very cumbersome for us to do that now, transfer that money. It actually takes five or six transfers of the money before it gets to us to enable us to do it. So it is simply reducing some of the bureaucracy, enabling us to receive money from other agencies to execute their work.

Mr. TAYLOR. Thank you.

Thank you, Mr. Chairman.

Mr. AYERS. You are welcome.

Mr. YODER. Ms. McCollum.

#### HOUSE RECYCLING PROGRAM

Ms. MCCOLLUM. Thank you, Mr. Chair.

And I just want to again commend all the workmanship, all the work that you did outside of the United States Capitol. People who are returning here after maybe seeing all the scaffolding or not being here for 15 or 20 years are just constantly in awe of the way that the building looks.

Mr. AYERS. Thank you.

Ms. MCCOLLUM. So I just simply have to remember, in making these investments, which was the right thing to do structurally for the building, but also it enhances our national treasure and our face forward to our constituents and visitors from all over the world.

In talking about green buildings, I have two kind of small things to kind of bring up. But at the same time, we kind of sometimes function as a city council for a lot of the people that we work with, both staff and Members.

You mention temperature control. And I will put these two issues together. It is so cold in our office in Rayburn at times I have staff wearing jackets, using blankets. They have brought in heating pads. And I have been known to wear gloves, sitting at my desk. So I hope when you are looking at the temperature control that someone can get back to us kind of what is going on. We are not the only office that talks about this in the elevator.

Then the other thing for green. People still haven't figured out how to recycle yet, right? Even some of the younger generation that grew up with all the commercials and that on there. So you went through a big push in recycling.

At the same time, the recycling in the offices, all the smaller bins were replaced with bigger bins. I have limited office and traffic space. I have been trying to actually get people—you would be happy with me, Mr. Ryan—to get up from their desk on occasion from sitting all day and walk over and recycle something or to throw something out, rather than have all the maintenance and the collection on that.

Could you kind of explain to me—I understand what you are trying to do with recycling, and I want you to know I really appreciate it. But what prompted this change? And what kind of expertise or help did you have? Because I don't know if you consulted any Members and staff on it.

If you could answer those two.

And then, Mr. Chair, I have two other small items.

Mr. AYERS. I would be happy to.

I am sorry to hear you are cold in your office, and we will work to take care of that. It is indicative of old buildings where we are simply unable to control the mechanical systems in the building. It was the exact same way in the Cannon building.

Ms. MCCOLLUM. Yeah.

Mr. AYERS. And we are really looking forward to the reduced number of service calls that we get, sending out technicians to make adjustments, once the Cannon building comes back on line. But we will certainly look into yours and see if we can remedy that.

I think the good news, the big picture for me in the recycling program is that our goal this year was to recycle 40 percent of office waste coming out of Members' offices across the Capitol campus, and we actually achieved a 44-percent recycling rate—

Ms. MCCOLLUM. Great.

Mr. AYERS [continuing]. Despite changing containers and other things.

And we also had a recycling rate of 90 or 91 percent of construction debris, and we achieved 93 percent this year.

And our new goal, moving forward, is to bump up our recycling rate, I think, to about 50 percent for office wastes. All of that is a landfill diversion technique. The rest of that waste that is not recycled goes to a waste-to-energy facility that is burned and turned into energy. So that is the big picture.

I must admit I am not exactly familiar with the recycling program in your office and why we changed—

Ms. MCCOLLUM. Oh, it is in all of our offices.

Mr. AYERS [continuing]. Why we changed the bins—in the House of Representatives I mean—from one size bin to a different size bin. But I will figure all of that out, and we will come talk to you about that.

Ms. MCCOLLUM. Well, we are not looking to—I saw one of my colleagues shaking her head when I was talking about—we are not looking to purchase anything new. I have just hung on to everything small that I can in my office, to the best of my—

Mr. AYERS. Space is at such a premium in the House of Representatives, you are right.

#### CAPITAL VISITOR CENTER TUNNEL REPAIR

Ms. MCCOLLUM. So one question that I am being asked a lot, and I know you have people working on it, is: Where the new part of the visitor center abuts the tunnel portion that goes walking towards Longworth or Rayburn, there is a water issue and a problem with that. Is that just trying to meet new buildings with old buildings? Because I don't want to give misinformation out to anybody, and I said I would ask you.

Mr. AYERS. Well, I think that tunnel is 60 or 70 years old, and it probably needs to be dug up and re-waterproofed. That is the big picture. And we are trying to hold on as long as possible without doing that, because that would dig up the road and the grounds between the Capitol and the Cannon/Longworth building.

It is old, and it leaks. And we are using some techniques to try to stave off that leaking from inside. So we will find the cracks that are leaking and we will inject products in those cracks to try to prevent it from leaking. I think we are going to get several more years out of it. It doesn't look that great, but I think it is better than digging it up at the moment.

#### MEMBERS REPRESENTATIONAL ALLOWANCES

Ms. MCCOLLUM. And then, Mr. Chair, not so much a question for the Architect of the Capitol, but Ms. Wasserman Schultz was present back a couple years ago when some of us made a suggestion, and I would ask the chair while we have the Architect of the Capitol here to maybe speak to it.

Members often return money from their accounts. It goes back into the U.S. Treasury. It does not go down to pay debt or deficit, as some Members often think it does. And some of us had an idea at one time that the money that would be returned from Members who didn't use all of their allotment go to the Architect of the Capitol for the very thing of energy efficiency, having more funds available for making the Cannon project move along faster, or something that comes up with a security need. Because those funds would be helpful not only, I think, to the Architect but speeding things up for Members and also for all our visitors and guests who are coming into our office.

If this committee were to decide to work to have an account like that, you wouldn't necessarily know, sir, what it was going to be or how it could be used. It would be kind of like, as my grandmother would say, extra purse change. It would be significant.

But if you had something like that, do you have some projects that would be shovel-ready or things ready to go, that you could

use it either for a window emplacement, heating, air conditioning, cooling? Would something like that be of help to you to reduce energy costs and to speed up some of the repairs that you need to make?

Mr. AYERS. There is no question about that, Ms. McCollum. If you look in our budget, we have a list of recommended projects. We also have another list behind that of projects that we have deferred because they just don't rise up in priority to the budget bandwidth we think is available.

So we have projects in all categories that are shovel-ready and ultimately need to be done and need to be funded.

Ms. MCCOLLUM. And it would save money, in some respects.

So, Mr. Chair, I know that that is us talking to our respective caucuses and doing some Member education. But I think what we would save in the long run would be saving taxpayers money in the long run by doing this and getting through the list.

Thank you, Mr. Chair. I yield back.

Mr. YODER. Thank you. And, Ms. McCollum, I note that in the Architect's budget they ask for \$22 million for cooling tower renovations. We had money in the previous year's budget, and so maybe a better thermostat could go along with that or something.

I don't know if I want to keep replacing these cooling towers if it is freezing out my colleagues.

Ms. MCCOLLUM. Mr. Chair, I am from Minnesota, so when I tell you it is cold, it is cold.

Mr. YODER. All right. Well, there you go.

Mr. Moolenaar.

Mr. MOOLENAAR. Thank you, Mr. Chairman.

And good to see you again.

Mr. AYERS. Thank you.

#### LEAD IN WATER TESTING

Mr. MOOLENAAR. Thank you for being here today.

My office is in the Cannon building, and one of the questions I get periodically is—I know it was about a year ago that lead was discovered in the drinking water. And people ask, you know, what is the status. Is that changing? Are there improvements? I have to believe there is a cost of supplying water in dispensers and bottles right now. Is there a plan to improve the drinking water?

Mr. AYERS. There is. The most important part about the Cannon building project is we are taking out all of the wiring, all of the ductwork, all of the piping, and everything that is behind the walls and in the mechanical rooms, and that building gets completely replaced. So it is really an infrastructure upgrade to the building.

And so, as we turn over phase one, all of the piping and all of the ductwork and electrical systems, mechanical and plumbing systems will all be new. All of that will obviously be lead-free. And so, if we make a decision to turn the water back on on this west side, certainly all of that will be lead-free.

#### ELEVATOR SIGNAGE

Mr. MOOLENAAR. Okay. All right. Thank you.

And then this is just a thing I have noticed. I am somewhat directionally challenged, so I rely on directions quite a bit when I am

walking around. And one of the things, when you go into the elevators—and, you know, again, I am in the Cannon building. If I go to a different building, the Rayburn building, sometimes I am trying to figure out, okay, which level do I get off at. You know, some of those plates are very small, where you are trying to figure out which button you are going to push. And I noticed there were some new plates that looked like they were larger font, and somebody is, you know, trying to help improve the signage, I guess, on the elevators.

Is that something you are working on? Because I have to believe, if I am, you know, having trouble with that, visitors to the Capitol or people who are trying to find their way around the House office buildings have to be experiencing that as well.

Mr. AYERS. I think that is a great observation. And as I am sitting here thinking, I have noticed the same thing, but I haven't done anything about it. Obviously, I should have, because that is at least two of us and there is probably another 30 in the room that have experienced the same small lettering on those little plates by the elevator buttons.

Mr. MOOLENAAR. Okay.

Mr. AYERS. So we will get to work on that.

Mr. MOOLENAAR. Thank you.

Mr. AYERS. You are welcome.

Mr. YODER. Ms. Wasserman Schultz.

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

Mr. Ayers, nice to see you.

Mr. AYERS. Thank you.

#### HOUSE HISTORIC BUILDINGS REVITALIZATION TRUST FUND

Ms. WASSERMAN SCHULTZ. I have some questions about the House Historic Buildings Revitalization Trust Fund. How much is in the trust fund at the moment?

Mr. AYERS. There is \$55 million in the trust fund at the moment.

Ms. WASSERMAN SCHULTZ. And we are in the posture now where we are just continuing to bank funds; you are not drawing it down.

Mr. AYERS. That is correct.

Ms. WASSERMAN SCHULTZ. So you are continuing to put it in—okay.

Mr. AYERS. Yes.

Ms. WASSERMAN SCHULTZ. So you have the \$62 million that you are requesting each year until Cannon is finished. We at the moment have \$55 million in the trust fund.

And then Cannon will be done in 2024, you mentioned?

Mr. AYERS. Yes.

Ms. WASSERMAN SCHULTZ. And then is Longworth or Rayburn next?

Mr. AYERS. Well, we haven't made that decision yet.

By the end of the Cannon building, I think we will have about \$115 million to \$120 million in the trust fund by the time we finish Cannon.

We have talked a little bit in the past about our modeling of what Longworth or Rayburn might cost us in the future. And so we have recently began the process to secure a consultant that is going to help us figure that out.

Ms. WASSERMAN SCHULTZ. Figure out how much the projected cost of Longworth or Rayburn would be?

Mr. AYERS. Well, they are going to—

Ms. WASSERMAN SCHULTZ. Or see what you need in the trust fund to augment what we appropriated?

Mr. AYERS. Yes, both of those, plus help us determine how we can best go about doing something like the Rayburn building.

When we last looked at the Rayburn building, it was a several-billion-dollar project. We are not poised to do, nor is the Congress poised to fund, a project like that. So we have to find a different way to go about that project and break it down, perhaps into smaller pieces or do different mechanical systems at a time, whether we do it horizontally by floors or whether we do it by wing. We need some help figuring that out.

Ms. WASSERMAN SCHULTZ. So you are making the points that I would like to make, because, regardless of any which way we figure it out, it is going to be extremely expensive.

Mr. AYERS. Yes.

Ms. WASSERMAN SCHULTZ. And Rayburn is rated “poor.” Longworth is rated “fair.” Presumably we would have to start on Rayburn first because it is deteriorating faster. And we don’t want to end up in a situation like we have in Cannon, where you have lead in the drinking water or any other issues like that.

So, Mr. Chairman, when we initially envisioned and created the Historic Buildings Revitalization Trust Fund, the idea was that we would put \$30 million to \$70 million in each year. We have been banking \$17 million in 2010. We dropped it—I mean, excuse me, \$17 million in 2017. We dropped it to \$10 million in 2018.

Over 10 years, I mean, the Architect projected we would have about \$115 million. And if it is over a billion to do Rayburn, even pieces at a time, we are really going to have to step up the amount of funds that we bank. Because you just questioned the \$62 million that we are going to have to appropriate separately from what is in the trust fund every year until it is done, and that was why we envisioned the trust fund.

Because, when we went through finishing the CVC, there were insane cost overruns, and it took so much longer than was projected because we are dealing with older buildings. So there is absolutely, even if these projects go swimmingly well—and this one appears to have done so—there are cost overruns and there are change orders and it takes longer than you expect, because once they get behind those walls in old buildings, they find things that they didn’t expect because they don’t know they are back there.

So I would just strongly—while I appreciate that we put at least \$10 million in in fiscal year 2018, we really need to seriously take a look at and consult with the Architect on, realistically, what we are going to need to bank so that we aren’t—I mean, this is a little bit, you know? And so the percentage—you know, this is the smallest bill. And, you know, these projects can consume, you know, almost, you know, a tremendous percentage of our overall budget. And then we don’t want to be in a situation where we are short-changing the other needs that we have in the legislative branch. So I just wanted to make that point.

## TREE MANAGEMENT

And then if I can just ask the Architect one additional question.

Last year, we had an AOC employee, Matt McClanahan, tragically pass away after a large tree fell on him. May he rest in peace.

And I wanted to ask you, Mr. Ayers, does the AOC have a process for identifying problem physical elements on the Capitol Grounds? And did you conduct a review of this tragic incident, and what recommendations, if any, came from that review? And how are you working towards implementing those recommendations?

Mr. AYERS. We did conduct a complete review of that incident and issued a report on that. And we worked closely with the Office of Compliance, hand-in-glove, along the way. I am sure they will issue a report soon, as well, on that.

Our report gave us six recommendations. I have seen a draft of the Office of Compliance report. There is another four recommendations. Many of them overlap.

Essentially, it comes down to having a good process where you evaluate all of those assets every single year; you document that. And that is not something that we were doing a good job at then. We have since rectified that.

We have also, I would say, revised our standards. Today, we don't allow any high-hazard tree anywhere on Capitol Grounds to remain, and we will take that down. In the past, we may have had some high-hazard trees that were not in public areas that we might keep on and try to keep alive for a period of time. So we have changed our standards a bit.

Another one of the important elements was to make some changes to ensure the long-term health of the trees on the Capitol campus by not doing any construction or having events that are under the trees. Doing that compacts the soil under the trees and is detrimental to their health. So we have made changes there and are working with people like Capital Concerts that are incredibly agile in what they do, and they are working with us to remove some of their infrastructure from under the trees at various events.

They felt we were a little light on resources, so you will see an arborist and an urban forester request in our 2019 budget. That will bring us from six certified arborists up to eight certified arborists.

That was about it.

## HOUSE RECYCLING PROGRAM

Ms. WASSERMAN SCHULTZ. Okay.

Do you mind if I ask one more question? And then I am done.

Just to follow up on what Ms. McCollum was asking you about the garbage pails. So it used to be—my office is in Longworth. It used to be that the recycling bin that took plastic had an orange bag in it. And so you knew the orange-bagged bin was where you placed your recyclable plastic. And then there was a paper—everything else was a paper bin.

Now, for some reason, at least in my office, every one of those recycling bins has an orange plastic bag. In our office—and I don't know if I am the only one in Longworth—they all have orange plas-

tic bags. So there is no—I mean, I don't know whether we can—we don't know whether we can mix all the recyclables, paper and plastic, or you still need to put plastic in one and paper in the other.

But do you—I assume you don't know why that change was made?

Mr. AYERS. I don't know why that change was made, but—

Ms. WASSERMAN SCHULTZ. And if there could be some more clear direction on what to do with our recyclables if all the bags are orange, then that would be helpful.

Mr. AYERS. I would be happy to do that.

Ms. WASSERMAN SCHULTZ. Thank you.

Mr. AYERS. Sure.

Mr. YODER. Mr. Amodei.

Mr. AMODEI. Thank you.

#### TOUR OF U.S. CAPITOL GROUNDS

So the only thing I would add is to thank you for the fact that you have been more than forthcoming in terms of making your different folks available for getting familiar with what is going on. More on the yard work people, and I will probably want to do another lap this year—

Mr. AYERS. Excellent.

Mr. AMODEI [continuing]. Once whoever is in charge of the weather does a better job than they have been doing so far this year.

And, other than that, I might want to talk with you about what you are doing with that wood after you cut it down on those hazard trees.

Thank you, Mr. Chairman. I yield back.

Mr. YODER. The gentleman yields back.

Does anyone have any further questions?

Well, I think, at that, Mr. Architect, we are going to give you a reprieve and allow you to get back to work.

Mr. AYERS. Thank you.

Mr. YODER. I appreciate your appearance today. We will continue to work with you as we proceed with this year's budget process.

The subcommittee stands in recess until April 17 at 10:00 a.m., at which time we will receive testimony from Members of Congress and outside witnesses. Meeting adjourned.

[Questions for the record follow:]

FY 2019 AOC Budget Hearing - House of Representatives  
Questions for the Record

**Question #1**

**Tree Accident:**

Last April AoC employee Matthew McClanahan was killed when a large branch fell and struck him as he was working nearby on an irrigation pipe. It's my understanding that several investigations were opened as a result of this incident, one by Metro PD, one by your safety office and one by the Office of Compliance.

- What is the status of those investigations?
- Do you have any insight into what conclusions the investigations will draw?
- What are the lessons learned? Process changes?
- What has the AoC done to try and prevent something like this from happening again?

**Answer #1**

The DC Metropolitan Police Department has not provided their investigation report at this time. The AOC investigation was completed in coordination with the Office of Compliance (OOC). The AOC-OOC investigations focused on tree risk management, tree removal processes and recordkeeping.

To date, several process changes have been implemented to strengthen administrative practices for our tree care program, including improved recordkeeping for managing tree risks. We have completed a full tree inventory and risk assessment, removed and mitigated hazards that were identified by a third party arborist, and formalized risk management protocols. In addition, we have developed a full arboretum management plan with formal guidelines for risk assessments that will guide future efforts.

**Question #2**

**Child Care Center:**

I had the opportunity to tour the construction of the House Child Care Center in the O'Neill Building last month. Ultimately we will be able to house 232 children from the current number of 70. This will help reduce the exhaustive wait list that exists today.

- Is everything still on track for construction to be completed on November 15<sup>th</sup> of this year and an opening in January of 2019?

**Answer #2**

Yes, the House Child Care Center construction at the O'Neill Building is on track for construction to be completed in November 2018 with an opening in January 2019.

**Question #3****Congressional Accountability Act Settlements:**

The House has recently passed the Congressional Accountability Reform bill. The House passed version has a provision that will hold the agencies responsible for reimbursing the Treasury for settlements and awards.

- How many Congressional Accountability Act claims involving the AOC as an employer have been settled in the last 10 years, and for what amounts?
- How is this going to affect your budget?
- What steps has the AOC taken to ensure its employees are protected against discrimination and harassment, including sexual harassment?

**Answer #3**

Information regarding past settlements is not publicly available, but can be briefed to the Committee upon request. If the House-passed requirement is enacted, without budgetary resources our current mission support could be impacted.

The AOC's Diversity, Inclusion and Dispute Resolution Office (DI/DR) is tasked with working with employees and management to resolve conflicts, investigate allegations of discrimination and/or harassment, and promote a diverse and inclusive work environment. DI/DR facilitates the AOC Conciliation Program, which is the primary internal procedure for resolving allegations of discrimination and/or harassment. Throughout this process, individuals retain the right to bring discrimination and/or harassment concerns directly to the Office of Compliance.

Additional efforts DI/DR takes to ensure a safe and positive workplace include:

- Proactive training for all supervisors to provide a workplace free of employment discrimination and violations of employee rights
- Orientation for all new employees and mandatory annual training for all staff in the prevention of sexual harassment
- An agency-wide initiative promoting an active culture of civility through the "AOC Chooses CIVILITY" campaign

FY 2019 AOC Budget Hearing - House of Representatives  
Questions for the RecordQuestion #4**Data Center:**

Your current data center needs to be relocated because of reconfiguring of space. There has been much discussion the past few years regarding the posture of your hosting environment.

- Where does your data center rank in priorities within your agency?
- How important is continuity in event of a disaster?
- What plans have you made to relocate your data center?

Answer #4

Continuity of operations is an important goal of the AOC's disaster recovery plan to minimize damage and prevent loss through interruptions of any kind including power failures, information technology (IT) system crashes, natural disasters and more. Restoring communications (email, intranet, Internet, Skype) for our congressional customers, facility managers, architects, engineers, trades, etc., is the immediate critical path during an event when Capitol complex buildings or grounds are affected or destroyed. The AOC has implemented disaster recovery and business continuity using Cloud back-up services. The AOC also maintains two data centers in an active-active, fully-redundant environment configured for high availability.

Setting the data center future strategy has remained a priority for the agency since the initial Legislative Branch Data Center Cost-Benefit Analysis was conducted. Data center operations remain a high priority and are critical toward enabling the AOC's ability to provide uninterrupted support to the Congress. As such, the AOC completed an independent study on the feasibility and alternatives for relocating the data center currently located in the Ford House Office Building. The recommendation was to pursue a local co-location data center provider.

Leasing space for the AOC data center requires a continued source of funding. By finding the most cost-effective co-location provider, the AOC will minimize the increased funding levels needed to enter into a long-term lease. If the requested \$1.3 million in additional FY 2019 funding is provided for this initiative, the AOC plans to move our Ford data center to a local co-location facility as recommended.

FY 2019 AOC Budget Hearing - House of Representatives  
Questions for the RecordQuestion #5**AOC/CAO Service Consolidation:**

The House Inspector General recently issued an advisory opinion requested by the Committee on House Administration on key services delivered by the CAO and AOC. The purpose of the advisory was to identify potential overlaps in furnishings, logistics, and building services provided by the CAO and AOC House Superintendent's Office. Based on its analysis, the IG recommended the House consider migrating all furnishings and logistics functions to the AOC House Superintendent. The AOC agreed with the IG, the CAO did not.

- What, if any, overlap exists in the services provided by the AOC and CAO?
  - What steps have you taken to eliminate overlap and reduce confusion by Members and staff when accessing administrative support services?
  - How does the AOC account for the cost of these services?
  - Do you use activity-based costing? If not, why?
- 

Answer #5

The House Inspector General identified overlap in services provided by the AOC and CAO for move logistics, picture framing, wood material finishing, keying, signage and furniture construction. After a series of meetings among legislative branch agencies to discuss improved services for members and staff, the AOC's House Superintendent's Office has been working with CAO to evaluate opportunities to provide seamless building services to members and staff.

The AOC's service request website provides resources to members and staff which include the building services provided by the AOC and contact information for the House Superintendent's Office Service Center so that members and staff can reach out to them directly. The AOC does use activity-based costing to track and document services.

Question #6**Baby Changing Stations:**

In FY2017 the Committee encouraged the AOC to take steps to provide baby changing stations at easily accessible locations throughout the Capitol Complex in both male and female bathrooms.

- Do you think there is an adequate number of baby changing stations throughout the complex at this time?

Answer #6

Since 2016, the AOC has installed 76 ADA-compliant diaper changing tables in both male and female bathrooms throughout the Capitol complex. We believe this is an adequate number at this time.

FY 2019 AOC Budget Hearing - House of Representatives  
Questions for the Record

**Question #7**

**Energy and Sustainability Program:**

The Committee is aware of your Energy and Sustainability Program.

- Do you feel the AOC is doing all that it can to conserve resources and promote a greener campus?
- Please highlight what the AOC is doing in the areas of food waste, water and electricity, recycling and composting.

**Answer #7**

The AOC continues to develop methods to meet our energy and sustainability goals. We met our 30 percent energy reduction goal in FY 2015 and established a new goal to achieve an additional 20 percent reduction, for a total of a 50 percent reduction, by FY 2025. We thank Congress for its support in these initiatives.

In FY 2017, the AOC reduced building occupant waste by 44.4 percent and diverted construction waste by 90 percent. Additionally, the AOC has a composting program for food and vegetative wastes in certain jurisdictions. We also focused on water consumption and the continued efforts to reconcile water usage, malfunctioning meters and estimated billing. Water progress reports will help explain variations in water use, understand potential risks and impacts, identify inefficiencies, and manage savings opportunities in future years. And the implementation of "Gold Days" is a key approach on peak electricity grid consumption days in conjunction with our robust lighting program to implement lighting retrofits and upgrades.

**Question #8**

**Victory Gardens:**

Last year we asked you to identify additional locations on Capitol grounds that may be suitable for more gardens.

- Have you identified additional locations and will you be planting more gardens?

**Answer #8**

The AOC's Library Buildings and Grounds jurisdiction is planning to plant an additional vegetable garden in the bed next to the 1st street entrance of the Madison Building. They are also considering additional locations around the Library buildings. We will continue to update the committee as new locations are identified.

FY 2019 AOC Budget Hearing - House of Representatives  
Questions for the Record**Question #9****Restoration and Renovation of Cannon House Office Building:**

To date, \$502.9 million of the projected budget of \$752.7 million has been provided toward the Cannon Renewal Project. For fiscal year 2019, you are requesting \$62 million in "no-year" funds for this project.

- How much has AOC obligated for the project to date?
- Why is this amount (\$62 million) being requested at this time?
- What amount of prior-year funding is currently available for AOC's use on the project?
- Is the project on track to be completed within its projected \$753 million budget?

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 to be completed in November of this year?
- 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?
- Have any major items been added or deleted from the project scope to stay within budget?

**Answer #9**

To date, \$300 million has been obligated for the Cannon Renewal project. Of this, \$124 million of prior year appropriations will be fully obligated in 2018 for Phase 2. No additional prior year funding is available.

The project remains within the \$752.7 million budget. Approximately \$250 million in appropriations are needed to fully fund the remainder of the project. This equates to approximately \$62 million a year from FY 2019 through FY 2022. No major items have been added or deleted from the project scope.

During the 116th congressional transition, 21 House members are eligible to move back into the Cannon Building's west wing and into the office they previously occupied throughout the 114th Congress. Within the same timeframe, 29 members will need to move out of the east wing of the Cannon Building and enter the 116th congressional transition suite selection process. In early 2019, the project will isolate the east wing from the remainder of the building.

**Question #10****Rayburn Garage Renovation:**

Your request includes \$32 million for the fourth and final phase of the rehabilitation program for the Rayburn House Office Building garage.

- Please update the Subcommittee on the progress of this project?
- Has there been any unexpected costs?

**Answer #10**

The Rayburn Garage Renovation Phase 1 was completed on time and on budget. Phase 2 of the 4-phase project is ongoing. There have been no unexpected costs on the Rayburn Garage Renovation.

**Question #11****O'Neill Building:**

On June 8, 2017 the House acquired the Thomas P. O'Neill Federal Office Building.

- How did the transition go?
- Has your team settled into this new responsibility?

**Answer #11**

The transition of the O'Neill House Office Building has gone relatively smoothly, and we have developed a good understanding of the day-to-day operations. Projects to fully integrate the building into the AOC portfolio, such as wayfinding signage and security upgrades, are underway. As we become more familiar with the building systems and underlying infrastructure, we are identifying some unexpected deficiencies in the building's condition (i.e., the slab above the garages) and we are taking steps to address them.



TESTIMONY OF MEMBERS OF CONGRESS AND OTHER  
INTERESTED INDIVIDUALS AND ORGANIZATIONS

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TUESDAY, APRIL 17, 2018.

**OFFICE OF TECHNOLOGY ASSESSMENT**

**WITNESS**

**HON. MARK TAKANO, A REPRESENTATIVE IN CONGRESS FROM THE  
STATE OF CALIFORNIA**

Mr. YODER. Good morning, everyone. Welcome to the Legislative Branch Appropriations Subcommittee. We are in the process of working on our 2019 appropriations legislation. Having just completed our 2018 work a few weeks ago, we are right into 2019, and I have had a number of hearings. This is I think our fourth hearing so far of this process, and we will have a number of other additional hearings this week. This is a very busy couple of weeks for the Appropriations Committee. So there will be Members that will have conflicts at other hearings. So, of course, they are working somewhere and will attend when they are able to.

We are here this morning to hear testimony from fellow Members of Congress as well as outside witnesses that submitted testimony relating to items within the jurisdiction of the Legislative Branch Subcommittee. This year's response was actually significantly higher than last year's, which I am pleased to see, and I speculate this is due in part because Ranking Member Ryan and I listened closely to the testimony we heard last year with an open mind and were actually able to move forward on a number of items that were the result of these open hearings that we had last year. One of them was making the Congressional Research Service reports available to the public for the first time, something that I am very proud of that was accomplished under this committee's work, as well as I was glad that the Tom Lantos Human Rights Commission, which does good work, has dedicated funding now to help further expand their bandwidth as a result of this hearing we had last year. And I look forward to hearing from this year's witnesses and welcome all of you here this morning to our hearing.

Due to the number of witnesses we have here today, there will be four panels of outside witnesses. Additionally, we will fit in Members of Congress that wish to testify as they arrive. In an effort to be respectful of everyone's time and to ensure that we hear from all of today's witnesses, I ask those testifying to keep their remarks under 5 minutes, as your full written testimony will be entered as part of the record.

I would like at this point to welcome to the committee my friend from California, Mr. Takano, who will be testifying about the Office of Technology Assessment funding.

Actually, before that, I want to turn it over to my friend, Mr. Ryan, for his opening statement. My apologies.

Mr. RYAN. I think Mr. Takano's comments are going to be more interesting than mine, but thank you. We have got a great opportunity today, as we did last year, to hear a lot about what is going on and the ideas that are out there, and I look forward to it. I appreciate the committee doing this.

I yield back.

Mr. YODER. Mr. Takano, the committee is yours.

Mr. TAKANO. Thank you, Mr. Chairman. I enjoy a great relationship with both you and the ranking member; you as the bipartisan co-chair of the Congressional Deaf Caucus and with Congressman Ryan, the ranking member, as one of the co-chairs of the Congressional Maker Caucus.

Congressman Yoder and Ranking Member Ryan and members of this committee, thank you for the opportunity to testify this morning, and I am here to express my strong support for restoring funding to the Office of Technology Assessment, commonly known as the OTA.

The foundation for good policymaking is accurate and objective analysis, and for more than two decades, the OTA set that foundation by providing relevant, unbiased, technical, and scientific assessments for Members of Congress and staff.

But, in 1995, the OTA was defunded, stripping Congress of a valuable resource to understand emerging technologies as well as the nuances of the legislative process. In its absence, the need for the OTA has only grown.

Last week's hearings on Facebook's data security practices exemplified the increasingly complex, technical issues that this Congress and future Congresses will be responsible for addressing.

Now, if we are going to be effective policymakers in the digital age, we must develop a better understanding of the technologies that are transforming our daily lives. Existing sources of research and information, including the Government Accountability Office and the Congressional Research Service, provide excellent support to Members and staff, but no entity has both the capacity and the expertise to provide indepth analysis of complex technical issues.

A relative modest investment in the OTA will not only fill a critical void, it will also save us money. In the last year that it operated, the OTA's budget was \$23 million, but its studies on the synthetic fuels corporation saved taxpayers tens of billions of dollars.

Perhaps most importantly, the OTA is an intentionally bipartisan organization. Before it was defunded, it was governed by a director and a technology assessment board. The director was non-voting, and the board was comprised of six Members from the Senate and six Members from the House, split evenly between the majority and the minority.

This bipartisan governance ensures that studies remained unbiased and looked into the issues of relevance for both parties. Now, members of Congress bring a great deal of experience and expertise on a number of issues, but we must acknowledge our blind spots.

When it comes to the policy challenges presented by new technology, we are not seeing all of the relevant issues. With that in mind, I urge you to support funding for the Office of Technology Assessment.

Thank you. I yield back.

[The prepared statement follows:]

**Rep. Mark Takano**  
**Testimony to the Legislative Branch Appropriations Subcommittee**  
**April 17, 2018**

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This bipartisan governance ensures that studies remained unbiased and looked into issues of relevance for both parties.

Members of Congress bring a great deal of experience and expertise on a number of issues, but we must acknowledge our blind spots. When it comes to the policy challenges presented by new technology – we are not seeing all the relevant issues.

With that in mind, I urge you to support funding for the Office of Technology Assessment.

Mr. YODER. Mr. Takano, thanks for your testimony this morning. Can you tell the committee how you see the OTA, their unique perspective, and what they are capable of doing that you don't believe the GAO or CRS is able to do? Why do we need to create this additional entity, and what can it do that those other entities can't?

Mr. TAKANO. Well, no agency has stepped in to fill the void since OTA was abruptly defunded in 1995. CRS provides excellent support to Members and staff, but they do not complete the same type of forward-looking, thorough analysis with prescriptive policy suggestions.

Now, OTA staff were experts in their fields, but they also understood Congress and the policymaking process. The National Academies are a vital Federal resource, but their studies take time and funding, and those studies are targeted to a much wider audience. So there is really no entity that really specifically is Congress' tool, and it is important to have Congress—Congress needs its own advisers that are seen as unbiased, that are not industry, that are not from the administration, and that specifically understand how Congress operates.

Mr. YODER. Mr. Ryan.

Mr. RYAN. I just want to say thanks for bringing this issue up. I think you are right: We did see last week how much this body lacks an understanding of technology, social media, the business model that a lot of these companies are running. So I want to say thanks.

Is there a particular amount? I didn't see it in here. I know you said it was a \$23 million request the last year it operated.

Mr. TAKANO. We are asking for \$2.5 million, which is I think—

Mr. RYAN. 2.5?

Mr. TAKANO. Which is a modest investment just, again, to get the office back underway.

Let me just say that I want to bring up one other topic. You might recall just a couple of years ago this issue of encryption and whether Congress should intervene more in terms of whether companies like Apple should—we should regulate how much they encrypt their phones.

Who are we going to turn to for some unbiased advice? We can't rely on Apple. We can't necessarily rely on the FBI, in terms of how they might slant this policy question. That is a perfect example of how, for a body of 435 Members, what source are we going to turn to for an unbiased evaluation of, say, encryption issues.

So I think it is well past overdue that Congress look at funding anew an agency that really has never died; it was just defunded. So \$2.5 million I think is a modest beginning, but it is an important beginning.

Mr. RYAN. I appreciate that. I think we should get a better understanding, Mr. Chairman, of exactly what CRS is doing and just kind of understand that better as we evaluate this.

So I appreciate you bringing it up.

Mr. TAKANO. Thanks.

Mr. YODER. Thanks for coming to the committee this morning, Mr. Takano.

Mr. TAKANO. Thank you.

**TOM LANTOS HUMAN RIGHTS COMMISSION****WITNESSES**

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

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

Mr. YODER. Gentlemen, welcome back to the committee. I note that you were some of our witnesses last year when we had our first open hearing and had a number of topics that we worked on based on those hearings. One of them was your support and advocacy for the Tom Lantos Human Rights Commission.

I think we were able to make some progress in our bill. I would like to certainly hear how that is going. We will have your written remarks in the record. So you are welcome to utilize those remarks as much or as little as you like, and we extend you whatever courtesies you would like to testify before the committee of Mr. Ryan and myself.

I know you guys are a good duo, so I will let you guys take it from here, however you want to proceed.

So welcome back, Representative Hultgren and Representative McGovern, to the committee.

Mr. HULTGREN. Thank you, Chairman Yoder. Thank you, Ranking Member Ryan. I appreciate all that you have done for us and always so grateful. Co-chairman McGovern just does a great job on this, and we really work together well. I thank you for the opportunity to be able to be here. I want to start by thanking the subcommittee for the report language it issued subsequent to reviewing our testimony in this matter last year, as you mentioned, Mr. Chairman.

My request today builds on that favorable decision; that is, I ask for inclusion of language in the fiscal year 2019 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 Representatives.

As Congress' premier human rights oversight body, the Commission is committed to promoting and advocating internationally recognized human rights norms. I believe the commission continues to fulfill its mission with distinction, having conducted more than 15 hearings and almost as many briefings during the 115th Congress.

These hearings and briefings cause foreign governments to pay close attention to the concerns of Congress and serve as an important platform for civil society to keep Congress apprised of human rights conditions around the world.

Additionally, the Commission develops congressional strategies to promote, defend, and advocate internationally recognized human rights norms; raises awareness amongst Members, their staff, and public regarding human rights violations and developments; provides Members and staff with expert human rights advice and information; advocates on behalf of individuals whose human rights have been violated; and works closely with the President, executive branch officials, and internationally recognized human rights entities in promoting human rights initiatives in Congress.

In carrying out its broad, global mandate, the Commission has done its work and served as bipartisan members through a rotating patchwork of temporary fellows and volunteers. What has been missing historically, however, is funding for professional staff.

Until this year, no funds have been specifically dedicated or allocated to the Commission for this purpose. Our purpose today is to seek to ensure that funding is available for fiscal year 2019 and, more generally, to regularize the funding stream for the Commission.

Our modest request of \$230,000, which I know is supported by my colleagues, my good friend and distinguished co-chairman of the Commission, Jim McGovern, will allow us as co-chairs to hire or maintain dedicated full-time personnel, thus greatly increasing the effectiveness and expertise of the Commission, as well as amplifying Congress' important voice on human rights and foreign policy.

Thus, I would respectfully suggest adding a new provision 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 fiscal year 2019. Again, these funds would be administered through the House Foreign Affairs Committee in keeping with the Commission's establishment resolution.

I am deeply grateful for this opportunity to speak with you today, and I want to thank you so much for your consideration of this request and the progress that has already been made on this.

With that, thank you, and I yield back.

[The prepared statement follows:]

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

**SUBCOMMITTEE ON LEGISLATIVE BRANCH  
HOUSE APPROPRIATIONS COMMITTEE  
APRIL 17, 2017**

Chairman Yoder and Ranking Member Ryan, as the Co-Chairs of the bipartisan Tom Lantos Human Rights Commission, we thank you for the opportunity to appear before you today to request that language be added to the Fiscal Year 2019 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 Representatives.

We previously appeared before the Subcommittee and presented this request during the FY 2018 appropriations cycle. We were encouraged by the report language the Subcommittee issued after reviewing our testimony:

*“Tom Lantos Human Rights Commission: The Committee received testimony regarding the outstanding work of the Tom Lantos Human Rights Commission done with very limited resources. The Committee is supportive of the commission’s request for additional dedicated resources and is willing to work with the Committee on House Administration to identify potential additional resources for the commission.”<sup>1</sup>*

This past March we learned that the House Administration Committee had acted favorably on our request by authorizing the use of \$200,000 from the Reserve Fund for the remainder of calendar year 2018. Those funds became available on April 2, 2018. As a result, we have been able to hire senior professional staff to sustain the Commission’s activities for nine months, through December 2018.

Our request today builds on that favorable decision, while reiterating our request to regularize funding for the Commission at the slightly higher figure that will be needed for salaries and expenses for a full fiscal year.

**Background on the Commission**

By way of background, the Tom Lantos Human Rights Commission is a unique bipartisan entity dedicated to educating Members and staff and promoting international human rights. Named in honor of former congressman Tom Lantos, the only Holocaust survivor ever to serve in the United States Congress, it was established during the 110<sup>th</sup> Congress pursuant to House Resolution

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<sup>1</sup> U.S. Congress, House of Representatives, *Legislative Branch Appropriations Bill, 2018*, 115<sup>th</sup> Congress, 1<sup>st</sup> Session, Report 115-199, July 6, 2017, p. 5.

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 115<sup>th</sup> Congress, approved on January 3, 2017.

The Commission is led by two co-equal 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 115<sup>th</sup> Congress, more than 60 Members of Congress have joined the Commission.

As stated in the authorizing legislation, the mission 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.”

The Commission's bipartisan work complements that 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.

To date during the 115th Congress, the Tom Lantos Human Rights Commission has programmed 15 public hearings and 13 public briefings that have examined country situations as well as thematic issues such as the need for international prison reform and accountability for grave human rights abuses. A large number of staff-only briefings and private meetings have been organized as key human rights figures have come to the Hill. The Commission has also cooperated in hosting film screenings, special exhibits and training opportunities for congressional staff.

**Rationale for the funding request**

In carrying out its broad global mandate, the Commission is authorized to use the resources of the Committee on Foreign Affairs. The Committee has been generous in 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 we are deeply appreciative of the Committee's support.

What has been missing historically, however, is funding for professional staff.

The establishment resolution provides that professional staff members nominated by the Co-Chairs of the Commission will 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 specifies that full-time staff appointed for the Commission will 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 until this year, no funds had been specifically designated or appropriated for the Commission. No funding for staff assigned full-time to the Commission was allocated in the 113<sup>th</sup> or the 114<sup>th</sup> Congresses. The 115<sup>th</sup> Congress is the first time that funds have been explicitly provided to staff the Commission. Previously, the Commission has done its work and served its bipartisan members through a rotating patchwork of temporary fellows and volunteers.

Today we are seeking to ensure that equivalent funding is available for FY2019, and more generally to regularize the funding stream for the Commission.

Our modest request will allow us as co-chairs to hire or maintain 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.

*Justification for directing the request to the Legislative Branch Subcommittee*

One question that has been raised 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 of the Committee. Speaking before the House Administration Committee during the 113<sup>th</sup> Congress, Chairman Royce stated:

“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].”<sup>2</sup>

For these reasons, we suggest adding a new provision 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 FY2019. In keeping with the establishment resolution, the funds would be administered through the House Foreign Affairs Committee. This approach would regularize the funding stream for the Commission, and would be similar to the procedure used to fund, for example, the John C. Stennis Center for Public Service Training and Development.

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 Burma to Venezuela, in Syria, Yemen and Turkey, on behalf of beleaguered religious and ethnic communities in far too many places. Restrictions on rights and freedoms for millions of people directly impact important U.S. foreign policy and national security objectives and decisions. The Commission plays an important role in keeping these issues on the congressional agenda.

Thank you for your considered attention to this bipartisan request.

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<sup>2</sup> U.S. Congress, House Committee on House Administration, *Committee Funding for the 113th Congress (Day 1)*, 113th Congress, 1<sup>st</sup> 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.

Mr. YODER. Mr. McGovern.

Mr. MCGOVERN. Thank you, Mr. Chairman and Mr. Ranking Member.

I agree with him. Without repeating everything he just said, I mean, we have a modest request for \$230,000. We appreciate the subcommittee's report language and your recognition of the incredible work that the Tom Lantos Human Rights Commission does.

It is a bipartisan commission. I am honored to serve with Mr. Hultgren. We have participation by Democrats and Republicans, all focused on the issue of promoting human rights. We were happy that the House Administration came up with some funds for this year out of their reserve. The problem is the money has to be used by the end of the year, and we don't know whether or not it will continue next year or the year after.

So, as Mr. Hultgren said, we are looking for some certainty so we can hire professional staff and we can keep them and we can continue our work.

I think some people might have concerns that funding this through Leg Branch could somehow open the floodgates for funding requests from House caucuses, but I don't think this should be the case because the Commission is not an affinity group nor is it a caucus. It does not appear on House Administration's list of congressional membership organizations. This is because the Commission is established under the rules of the House as a unique and independent entity. It was created by the 110th Congress pursuant to House Resolution 1451 adopted unanimously in September of 2008. Its authorization has been renewed by every Congress since, most recently in the House rules for the 115th Congress.

Again, I think everybody recognizes the importance of the Commission, but I think what we need is to have some sort of a carve-out here so we can operate. As I said, we can't depend on the House Administration reserve funds. The House Foreign Affairs Committee doesn't want to be the entity to oversee us.

So, anyway, I want to just conclude by saying we would very much appreciate if you could help us with this.

Mr. YODER. Gentlemen, I appreciate your testimony today, and I certainly think all of us in Congress appreciate your work on the Commission. I have heard nothing but positive comments and support.

I think the issue you have highlighted in particular, Mr. McGovern, that we wrestle with is whether to create a specific line item or whether to have it directed under other entities.

Mr. MCGOVERN. I hope I gave you enough cover.

Mr. YODER. Why is it so critical that the committee give a specific line? How will that help you do your work?

Mr. MCGOVERN. Well, my colleague may have an answer here as well, but look, we don't have any certainty. We do a lot of work in this Commission. We have some great staff. We need to keep them. We can't just run this on a volunteer basis. Quite frankly, this is a full-time job.

Again, we are grateful to House Administration for coming up with some money that they found in their reserves, but, you know—and it is great we have some money to pay people this year,

but I can't tell anybody that we will have money to pay them next year.

And so I think, for continuity and for certainty and for us to be able to do the work that everybody appreciates, I think a separate line item would be helpful.

Mr. HULTGREN. Just quickly for me, again, I am amazed at the stuff we have been able to get done without having funding, where it really has been by fellows, by volunteers. But I just think there is so much more that needs to be done. There has never been more challenges to human rights, I think, ever in my lifetime than right now. We have some amazing people who are dedicated to these issues.

The reality is too many of these human rights challenges aren't done in a year. They might be decades that we are working on it. So we need people who are committed to this who can plan for their own families and see that this is something that brings us together, that is bipartisan, and the challenge is taking that step and seeing that this is unique. It doesn't open up opportunities for any anyone else. There is nothing else, I don't think, like the Tom Lantos Human Rights Commission, even in the name. But, again, the history of this from the very beginning was bipartisan. So this will allow the Commission to continue to be effective, increase effectiveness, and then also just have that longevity where I think there are entities out there that just kind of I think hope we are just going to go away and kind of put up with us raising these issues thinking that, well, maybe they won't be the same group speaking up next year. We want to make sure that doesn't happen, that we are that continued strong voice for those people who don't feel like they have got a voice right now.

Mr. YODER. Mr. Ryan.

Mr. RYAN. I just say thank you. I appreciate the work of the Commission. I think you both touched on it. I don't think there has ever been a time in the world's history where we have had so many challenges with regard to human rights. I think for the United States Congress to have a voice in highlighting these issues is really, really important. So thank you for carrying the mantel on this.

One question I have, I think we have underutilized the Congress—I don't think I am alone in that sentiment—in pushing out our values to the world through our travel, through our visits to these countries. Is there anything that the Commission does with Member travel that helps coordinate trips that maybe we are going to go on anyway to give us an opportunity to highlight?

I think that would be a very valuable tool for us to have. As we are going out and about in the world—we go to the military bases, we go to the conflict zones—is there an opportunity for the staff or staffing to help maybe put a finer point on our use of our own time and resources to continue to highlight this as Members are around and about?

Mr. HULTGREN. I think it is a great point. I do think it has happened a little bit, where we have done some of that coordination, but I think it can be so much more, just, again. With just a really modest request of \$230,000, that would help us I think to have that broader view of where people are traveling to and making sure

they have got the information and speaking up for people who are imprisoned there for abuses that are happening.

Mr. RYAN. That would mean a lot.

Mr. HULTGREN. Some of that is happening, but usually it is the Members who are coming to get that information, rather than us being a little bit more proactive of finding where people are traveling to and getting them that information.

Mr. MCGOVERN. We provide Members who are traveling with, you know, information on human rights defenders, on the human rights situation in countries, suggested people for them to visit, suggested topics for them to raise with our embassy and with foreign governments. So we do that.

We don't have—the staff cannot travel anywhere, because there is no budget for them to travel. That would be helpful because they could accompany some of these delegations, and they could be more useful. But we would like to expand that. The whole purpose of the Commission is to raise the issue of human rights, not just having hearings, but to get people information so they can be better advocates.

We have launched this Prisoners of Conscience Campaign where we have actively sought out Members to adopt prisoners of conscience so they take their case on and highlight what is happening to these individuals. But we would like to do more of that.

Mr. RYAN. Great.

Thank you, Mr. Chairman.

Mr. YODER. Gentlemen, thank you for taking the time to come to testify this morning.

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TUESDAY, APRIL 17, 2018.

## INTELLIGENCE AND SECURITY

### WITNESSES

**KEL McCLANAHAN, EXECUTIVE DIRECTOR, NATIONAL SECURITY COUNSELORS**

**MANDY SMITHBERGER, DIRECTOR OF THE CENTER FOR DEFENSE INFORMATION**

**SAMANTHA FEINSTEIN, GOVERNMENT ACCOUNTABILITY PROJECT**

Mr. YODER. Okay. As part of our open hearing effort this morning, we are going to take testimony from a number of members of the public who have issues they would like to bring before Congress and they would like to have this committee consider.

We have broken those witnesses down in four different panels, and we will start now with panel number one. So I would call forward Kel McClanahan, Mandy Smithberger, and Samantha Feinstein.

Good morning. Welcome to the committee. Thank you for taking the time to testify this morning and share your insights on the topics that you are bringing forward. We have grouped the panels based upon subject area. So I think the first panel will be related to intelligence and security. Certainly, the floor is yours when you want to testify on topics you bring forward.

I think we are going to begin with Mr. McClanahan. We will have your testimony in the record. So to the extent you can sum-

marize it, that would be great, as we have a number of folks coming to testify this morning. I appreciate your time.

Mr. McClanahan.

Mr. MCCLANAHAN. Thank you for having me here. I am the Executive Director of National Security Counselors. This is a nonprofit law firm that deals with, as the name would suggest, national security law matters. We tend to represent people like intelligence community employees, intelligence community contractors, and the like.

I am here to testify today about something that should be a bit of a noncontroversial issue: the idea that GAO should be able to investigate the entire executive branch when it is asked to.

The problem is a large segment of the Federal bureaucracy is considering itself exempt from GAO purview, and that would be the intelligence community. This has been going on for many, many years. I have the testimony of previous OMB members—sorry, previous GAO officials who have been complaining about this for decades.

In 2001, a high-ranking GAO official announced that they had not investigated the CIA since the early sixties because, quote, “We discontinued such work because the CIA was not providing us with sufficient access to information to perform our mission,” and that they, quote, “made a conscience decision not further pursue the issue,” and that they even had to resort to subterfuge in order to get any information from the CIA, saying: We are most successful at getting access to CIA information when we request threat assessments and the CIA does not perceive our audits as oversight of its activities.

That right there is the problem: anything that hints of oversight is rebuffed.

Fast forward a few years later and you have another GAO official saying that: We foresee no major change in limits on our access without substantial support from Congress, the requestor of the vast majority of our work.

That is why I am here today: to ask you to provide the substantial support from Congress that they have been asking for.

So, why is this? It seems that it wouldn't happen. But back in 1988, the Office of Legal Counsel at DOJ came out with this remarkable opinion that said two really noteworthy things. The first was that, because GAO was supposed to investigate programs or activities the government carries out under existing law, intelligence was exempt from that because it was the executive discharged of its constitutional foreign policy responsibilities, not its statutory responsibilities; therefore, it is not law, and, therefore, GAO cannot do anything.

Then it followed that up and said: Even if GAO could have investigated it, it no longer could, because when the intelligence oversight committees were created, the Congress knowingly intended to strip GAO of authority by giving exclusive dominion over intelligence oversight to those two committees.

So what happened then?

Well, Congress tried to fix this several times but most notably in 2010 when the House passed a version of the fiscal year 2010 Intelligence Authorization Act that basically said that the DNI shall co-

operate with GAO. And OMB threatened a veto. It cited to the OLC opinion from 1988, and then-Acting Comptroller General Gene Dodaro wrote a letter that thoroughly refuted this and even said that the IC's resistance has greatly impeded GAO's work for the Intelligence Committees and also jeopardized some of GAO's work for some other committees of jurisdiction, including Armed Services, Appropriations, Judiciary, and Foreign Relations, among others.

But Congress, for its part, gave the executive branch a chance to do the right thing. They passed a law that ordered the DNI to issue a directive governing GAO access. And the DNI issued Intelligence Committee Directive 114 that says the intelligence agencies shall only cooperate with GAO on matters that don't fall within the purview of the congressional intelligence oversight committees, which is basically nothing.

So, we are right back where we started. And why is this a problem?

A few reasons. Most notably, logistics and expertise. GAO is an agency. It has a tremendous number of workers. In 2009, 9 years ago, 199 GAO staffers had top secret clearances. Ninety-six had sensitive compartmented information clearances. In 2018, when I checked yesterday, there were a total of 35 Senate Select Committee on Intelligence staffers and a total of 37 House Permanent Select Committee on Intelligence staffers. So more staffers at GAO had SCI clearance than the entire staff of both oversight committees. That is just the math.

GAO has expertise. It was designed to investigate agencies. It was designed to audit agencies to look for things that were problems: waste, fraud, and abuse, and whatnot. With all due respect to even the most brilliant oversight committee, that is not comparable experience.

The main reason that this hasn't gotten anywhere is that, in 2001, they told you: We made a conscience decision not to further pursue the issue.

I understand that Mr. Dodaro is coming to testify this afternoon. If you were to ask him, how many times has the executive branch rebuffed attempts to conduct audits, he would probably say none. And the answer and the reason for that is because they don't even ask. And that is a problem.

[The prepared statement follows:]

Kel McClanahan, Executive Director  
National Security Counselors<sup>1</sup>  
Testimony Before the House of Representatives  
Legislative Branch Appropriations Subcommittee  
17 April 2018

Chairman Yoder, Ranking Member Ryan, and members of the Legislative Branch Appropriations subcommittee, thank you for the opportunity to speak with you today.

The Government Accountability Office plays a critical role in Congressional oversight of the Executive Branch. Unfortunately, that role may be stymied when it comes to the Intelligence Community (“IC”). Despite the fact that, by statute, GAO already has the purview to conduct oversight of *all* federal agencies<sup>2</sup> and has since 1982,<sup>3</sup> the IC has insisted that it is not subject to such audits from the outset. **This effectively deprives Congress of one of the most effective tools in its arsenal, especially at a time when the activities of the IC present some of the most pressing needs for robust oversight in the Executive Branch.** I respectfully recommend that Congress take steps to conclusively validate GAO’s jurisdiction in such matters.

In response to the IC’s early recalcitrance, then-Congressman Leon Panetta introduced a bill in 1987 called the CIA Accountability Act to officially clarify GAO’s authority vis-à-vis the IC.<sup>4</sup> Unfortunately, it was not enacted. In 1988, GAO attempted to conduct an investigation “[i]n order to evaluate whether ‘information about illegal activities by high level officials of other nations may not be adequately considered in U.S. foreign policy decisions,’” leading the National Security Council to request an opinion from the Department of Justice Office of Legal Counsel (“OLC”) which has been cited ever since:

We therefore conclude based on the nature of the GAO request that the subject of the GAO investigation is the Executive’s discharge of its constitutional foreign policy responsibilities, not its statutory responsibilities. The subject is thus not “a program or activity the Government carries out under existing law,” and it is beyond GAO’s authority under 31 U.S.C. § 717(b). . . .

In addition to the infirmity in GAO’s statutory authority to pursue this investigation, we believe that GAO is specifically precluded by statute from access to intelligence information. In establishing by law the oversight relationship between the intelligence committees and the executive branch, Congress indicated that such oversight would be the exclusive means for Congress to gain access to confidential intelligence information in the possession of the executive branch.

<sup>1</sup> Joined by the Government Accountability Project and the Project on Government Oversight.

<sup>2</sup> See 32 U.S.C. §§ 712, 717, 3523(a) (GAO has authority to investigate each “department, agency, or instrumentality of the United States Government.”)

<sup>3</sup> An Act to revise, codify, and enact without substantive change certain general and permanent laws, related to money and finance, as title 31, United States Code, “Money and Finance,” Pub. L. 97–258, Sept. 13, 1982.

<sup>4</sup> H.R. 3603, available at <https://fas.org/irp/eprint/panetta-1987.pdf>.

This intelligence oversight system has been codified at 50 U.S.C. § 413. That section sets forth requirements for the Director of Central Intelligence, the heads of all other federal agencies involved in intelligence activities, and the President to inform the Congress through the intelligence committees (and in some circumstances the Speaker and minority leader of the House of Representatives and the majority and minority leaders of the Senate) of intelligence activities.<sup>5</sup>

Over two decades later, this fight was still underway. When an amendment to the FY2010 Intelligence Authorization Act sought to reaffirm GAO authority, it prompted a veto threat in the form of a letter from Director of the Office of Management and Budget Peter Orszag,<sup>6</sup> which Acting Comptroller General Gene Dodaro thoroughly refuted, demonstrating that “[n]either the language of section 413 nor its legislative history provides support for this position” and that **the IC’s resistance “has greatly impeded GAO’s work for the intelligence committees and also jeopardizes some of GAO’s work for other committees of jurisdiction, including Armed Services, Appropriations, Judiciary, and Foreign Relations, among others.”**<sup>7</sup>

Despite Mr. Dodaro’s testimony, the enacted law took a middle-of-the-road approach, stating that clarification was necessary but deferring to the Executive for that clarification, instructing the Director of National Intelligence (“DNI”) to “issue a written directive governing the access of the Comptroller General to information in the possession of an element of the intelligence community.”<sup>8</sup> The DNI, for his part, issued Intelligence Community Directive 114 the following year, which reluctantly admitted that GAO had *some* authority to investigate the IC, but adopted a severely restrictive interpretation of the scope of that authority:

Information that falls within the purview of the congressional intelligence oversight committees generally shall not be made available to GAO to support a GAO audit or review of core national intelligence capabilities and activities, which include intelligence collection operations, intelligence analyses and analytical techniques, counterintelligence operations, and intelligence funding. IC elements may on a case-by-case basis provide information in response to any GAO requests not related to GAO audits or reviews of core national intelligence capabilities and activities.<sup>9</sup>

**In other words, GAO can investigate anything involving the IC that the intelligence oversight committees cannot, which amounts to basically nothing.**

GAO possesses significantly more resources and institutional expertise in certain kinds of Executive Branch investigations than even the most robust committee staff, and there is frankly no reason for this arbitrary restriction on its authority. Congress gave the

<sup>5</sup> *Investigative Authority of the General Accounting Office*, 12 Op. Off. Legal Counsel 171 (1988).

<sup>6</sup> Letter from Orszag to Feinstein of 3/15/10, available at <https://fas.org/irp/news/2010/03/omb031610.pdf>.

<sup>7</sup> Letter from Dodaro to Feinstein of 3/18/10, available at <http://www.pogoarchives.org/m/co/dodaro-letter-to-intel-committees-20100318.pdf>. Mr. Dodaro concluded that reaffirming GAO’s authority in this area “would prove beneficial both to the conduct of oversight by the intelligence committees and to the efficiency and effectiveness of IC operations.”

<sup>8</sup> 50 U.S.C. § 3308.

<sup>9</sup> ICD 114(D)(4)(b), available at [https://www.dni.gov/files/documents/ICD/ICD\\_114.pdf](https://www.dni.gov/files/documents/ICD/ICD_114.pdf).

Executive Branch a chance to establish reasonable limitations which balanced the Executive's legitimate interests with one of the most important functions of Congress—effective oversight. **Instead of crafting a reasonable policy, the DNI memorialized the hard-line position the IC had taken from the very beginning, and it is time for Congress to assert its prerogatives to protect its oversight capabilities over *all* agencies.**

I recommend this committee include language to remove any doubt concerning GAO's audit power over the IC by advancing a measure that restates Section 335 of the FY2010 Intelligence Authorization Act, as engrossed by the House of Representatives in February 2010.<sup>10</sup>

As a final note, I add my support to the written testimony submitted by Mandy Smithberger of the Project on Government Oversight, and I offer my experience and expertise with such matters in support of her testimony regarding the question of security clearances for House staffers.

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<sup>10</sup> Available at <https://www.gpo.gov/fdsys/pkg/BILLS-111hr2701eh/pdf/BILLS-111hr2701eh.pdf>.

**Kel McClanahan Biography**

Kel McClanahan is the Executive Director of National Security Counselors, a Washington-area non-profit public interest law firm which specializes in national security law and information and privacy law. Before chartering National Security Counselors with his fellow directors, he served as Director of FOIA Operations for the James Madison Project and Of Counsel to the Law Office of Mark S. Zaid, PC. He has taught National Security Law at the American University Washington College of Law, the University of the District of Columbia, and Point Park University. He also sits on the Board of Directors of the National Military Intelligence Foundation and the Steering Committee of the Bar Association of the District of Columbia's Committee on National Security Law, Policy, and Practice.

He received his Master of Arts cum laude in Security Studies from the Georgetown University Edmund A. Walsh School of Foreign Service, his Juris Doctorate from the American University Washington College of Law, and his Master of Laws in National Security Law from the Georgetown University Law Center.

He belongs to the bars of New York, the District of Columbia, the U.S. Supreme Court, and several other federal courts.

Legislative Branch Appropriations  
[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: Kel McClanahan, National Security Counselors 4702 Levada Terrace, Rockville, MD 20853 301-728-5908
1. Are you appearing on behalf of yourself or a non-governmental organization? Please list organization(s) you are representing.  National Security Counselors
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: 4/5/18

Mr. YODER. Mr. McClanahan, thank you for your testimony. That is an issue that has not been raised before this committee during my tenure. So it is something that we are certainly going to have to study a little further. Certainly, you raise something that I think we have not considered in recent years. It is interesting that Leon Panetta was one who pursued this matter and then, of course, later led the CIA.

Do you know what sort of budgetary impact this would have if the GAO took on this responsibility, was allowed to take on this responsibility? Do we have an idea of the scope of work they would need to entertain and how many people? I am sure they can't just absorb this within their current workload.

Mr. McCLANAHAN. To my understanding—and I would defer to my colleagues who might know more about the inner workings of the GAO on this—GAO takes a finite number of investigations. How they choose that is their own internal deliberations. This isn't asking them to take on new ones; it is just opening up the universe of investigations they can take on.

So, if they can only take on 500 investigations a year, they still can only take on 500 investigations a year, but now some of this can pertain to the intelligence community.

Mr. YODER. Mr. Ryan.

Mr. RYAN. It is a very interesting issue, one that I have not heard of either. So I appreciate you coming and bringing this to our attention.

I do a lot of work on my Defense Appropriations Subcommittee around in this world, and I think, given everything that we have experienced going back to 9/11, the war in Iraq, we can go back further than that obviously, but in modern history, this is a very interesting idea, and I appreciate you bringing it to the committee's attention.

Mr. YODER. It merits further discussion.

Mr. RYAN. Yes. Absolutely. Thank you.

Mr. YODER. Thank you, Mr. McClanahan.

Now we are going to move to Ms. Smithberger, the Director of the Center for Defense Information.

Ms. SMITHBERGER. Thank you so much for having me today.

I just want to associate myself with Mr. McClanahan's testimony and just also point out I think as far as the workload goes, something to take into consideration, a lot of GAO's work, there are other bodies that can do it because it is unclassified, but GAO would have a unique opportunity to do oversight in this area that I think would be worth your consideration.

Mr. YODER. I will mark you down as a supporter, as well.

Ms. SMITHBERGER. Yes. Thank you.

Thank you for allowing me to testify on behalf of Demand Progress and the Project on Government Oversight about ways to strengthen congressional oversight of our national security spending and operations.

The Church Committee and Pike Committee famously identified abuses in the intelligence community. In response, Congress implemented a number of important reforms like the establishment of the Select Intelligence Committees and expanding Congress' access to classified information. Since then, at the behest of the executive

branch, Congress has limited its own access to classified information. At the same time, the number of employees and contractors who have security clearances has expanded significantly—we have nearly 4 million people holding clearances—and spending has also increased. So the need for Congress' oversight is more important than ever.

Congress has not come close to keeping pace to maintain its own capacity to conduct oversight. Specifically, we would like for the committee to consider allowing each member of the House Permanent Select Committee on Intelligence, the House Defense Appropriations Subcommittee, and the House Armed Services Committee, some of the key committees for conducting oversight over national security and intelligence operations, to receive a TS/SCI clearance. This reform has broad, bipartisan support and would strengthen oversight.

I appreciate that you all are appropriators, and this is where money really counts. We believe that the costs are going to be relatively marginal, given the importance of the work. For instance, most of these offices will already have a staffer with a top secret clearance, and the investigation used to determine whether they should have received that clearance is likely going to be able to be reused for a TS/SCI clearance.

I think in a number of instances, offices already have staff members who have had TS/SCI clearances and it would be a matter of, quote/unquote, “turning it on.” I know that I had a TS/SCI clearance before I came to Congress, but then once I came into a personal office, I no longer had it. But that investigation was already completed.

In the worst-case scenario, let's assume that none of these offices have anyone with a top secret clearance and that there needs to be the investigations conducted. We believe the cost would be about \$500,000 over 5 years, or \$100,000 a year.

We also appreciate that Congress and the executive branch are concerned about expanding access to classified information. We think that, again, it is important, though, for Congress to be able to effectively conduct oversight for you all to be able to look into these matters, but moreover, we would urge the committee to support more robust counterintelligence training.

We think that if staff members understand what happens when you mishandle classified information, when you leak classified information, particularly the harms to sources and methods, that they will treat the seriousness of this information and this work in a way that they will safeguard it. I will also note that we are much more aware of breaches coming from the executive branch than we are from Congress.

Finally, I would say my group, the Project on Government Oversight, rarely argues for spending more money, but in this instance, we urge you to invest in fulfilling your constitutional duties.

Thank you, and I look forward to your questions.

[The prepared statement follows:]

Testimony of Mandy Smithberger, Director of the Center for Defense Information  
Project On Government Oversight (POGO)  
before the House Appropriations Committee  
Legislative Branch Subcommittee  
April 17, 2018

Thank you to Chairman Yoder and Ranking Member Ryan for allowing me to testify today on behalf of Demand Progress and the Project On Government Oversight on restoring Congress's capacity to conduct oversight on matters of national security. I also want to thank the Committee for steps it has already taken to strengthen oversight in general by mandating public access to Congressional Research Service reports. Your work on this issue will enhance public access to non-partisan, expert analysis and allow everyone to have the same information during critical policy debates.

Congress plays an essential role in conducting oversight of the executive branch, but its resources are inadequate compared to its responsibilities, particularly in the House. We urge the Committee to fully fund independent and oversight research institutions available to support Members and their staff. Funding the Government Accountability Office, Congressional Research Service, Congressional Budget Office, and legislative branch inspectors general is critical. The legislative branch receives less than one-tenth of one percent of the federal budget—approximately \$4.7 billion—to oversee the entire federal government, with a significant proportion of those resources being directed toward facilities maintenance and security. By comparison, this year the Intelligence Community asked Congress for \$80 billion, or 17 times all the money spent on the legislative branch.<sup>1</sup>

Given the necessary secrecy around the intelligence agencies' operations, it can be difficult for the American public to determine whether that money is properly spent. We must rely on Congress to identify and address any deficiencies. Accordingly, we expect there to be sufficiently numerous staff to oversee the agencies, and that they possess a high-enough level clearance to get to the bottom of important policy questions. This unfortunately is not the reality, and the House is less capable now than at times in the past.

In the 1970s, the Church and Pike Committees famously identified abuses by the Intelligence Community, such as interference in domestic politics, illegal wiretapping, and the assassination of foreign leaders. In the wake of those investigations, Congress enhanced its own capacity for oversight by creating the select intelligence committees and expanding congressional access to classified information. By 1978 the Under Secretary of Defense's office estimated 431 staffers, including the Government Accountability Office, held compartmented security clearances.

Concerned about controlling that information, intelligence agencies appealed to Congress to reduce that access while privately admitting that the executive branch needed to also reduce the

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<sup>1</sup> Office of the Director of National Intelligence, "U.S. Intelligence Community Budget."  
<https://www.dni.gov/index.php/what-we-do/ic-budget> (Downloaded March 29, 2018)

number of clearances held by its employees.<sup>2</sup> **History has shown that while Congress curtailed its own access to national security information the number of executive branch and its contractors accessing this information has exploded.** The most recent publicly available information shows nearly 4 million people hold clearances of any level, with top secret clearances held by **622,549** federal employees and **438,069** federal contractors.<sup>3</sup> While there is no publicly available information about clearances held by the legislative branch, there are fewer than 20,000 legislative branch staffers in total and only a relative handful hold top secret clearances.<sup>4</sup>

In many policy areas, the press, civil society, and other stakeholders can help fill in the gaps to help Congress to uncover waste, fraud, abuse, and mismanagement. Unfortunately this is not so when it comes to information the executive branch has deemed classified, which makes it even more difficult for congressional staff to oversee national security spending and activities.

The House Permanent Select Committee on Intelligence, the House Appropriations Defense Subcommittee, and the House Armed Services Committee play pivotal roles in overseeing our national security. But the lack of personal congressional staff with top secret compartmented security clearances means the members of those committees are overseeing the executive branch blindfolded.

We recommend that one personal office staff member for each member on these committees of jurisdiction be eligible to receive the necessary security clearances to support their bosses in overseeing these operations. While every Member of Congress has constitutional duties to oversee our national security, these committees feel the pinch most acutely as they are the most dependent upon classified information. The House currently allows each Member of Congress to designate two personal office staff to receive a top secret clearance; we recommend that one of those staffers for members on these key committees be eligible to receive clearance at the top secret/sensitive compartmented information level. This would significantly strengthen those members' ability to conduct oversight, as it allows staff to press the intelligence agencies to answer the hard questions.<sup>5</sup> This recommendation has widespread, bipartisan support from civil society.

The Senate has recognized the need for this enhanced support. It has provided staff designees for members of the Senate Select Committee on Intelligence with TS/SCI clearances, and has consequently been able to engage in more robust oversight. Under the status quo in the House, the scope and depth of oversight largely narrows to the exclusive interests and priorities of the

<sup>2</sup> Central Intelligence Agency, "Sensitive Compartmented Information Accesses," CIA-RDP81-00142R000600070016-5, Approved for Release May 1, 2001. <https://www.cia.gov/library/readingroom/docs/CIA-RDP81-00142R000600070016-5.pdf> (Downloaded March 29, 2018)

<sup>3</sup> Office of the Director of National Intelligence, *2015 Annual Report on Security Clearance Determinations*, p. 5. [https://www.dni.gov/files/documents/Newsroom/Reports%20and%20Pubs/2015-Annual\\_Report\\_on\\_Security\\_Clearance\\_Determinations.pdf](https://www.dni.gov/files/documents/Newsroom/Reports%20and%20Pubs/2015-Annual_Report_on_Security_Clearance_Determinations.pdf) (Downloaded March 29, 2018)

<sup>4</sup> The Brookings Institution, *Vital Statistics on Congress*, "Table 5-1," September 7, 2017, p. 2. [https://www.brookings.edu/wp-content/uploads/2017/01/vitalstats\\_ch5\\_tbl1.pdf](https://www.brookings.edu/wp-content/uploads/2017/01/vitalstats_ch5_tbl1.pdf) (Downloaded March 29, 2018)

<sup>5</sup> 33 organizations sent a letter to Speaker Paul Ryan and Democratic Leader Nancy Pelosi urging the House to strengthen its oversight of the intelligence community. [https://s3.amazonaws.com/demandprogress/letters/Strengthening\\_Congressional\\_Oversight\\_of\\_the\\_IC\\_Letter\\_Sept\\_2016.pdf](https://s3.amazonaws.com/demandprogress/letters/Strengthening_Congressional_Oversight_of_the_IC_Letter_Sept_2016.pdf) (Downloaded March 29, 2018)

committee chair and ranking member, who hire and fire all committee staff. The committees, and HPSCI specifically, are designed to incorporate members from different backgrounds and viewpoints, but what use is having the members on the committee if they are not sufficiently staffed? Only a robust diversity of views and expertise of members across Congress enhance this body's ability to ensure legislation and policy serves the interests and priorities of the American people.

Some in the executive branch have argued in opposition to expanding access of congressional staff to this information, arguing that Congress invariably leaks to the press. However, no less than former CIA Director George Tenet said 95 percent of leaks come from the executive branch.<sup>6</sup> More importantly, it is Congress's job to oversee these agencies, and the clearances are essential for such oversight to occur.

That said, we believe Congress must take an important step to ensure that information is properly protected. Specifically, we urge this committee to support increased counterintelligence training for congressional staff who receive security clearances, akin to that provided by intelligence agencies to their personnel.

The costs of security clearance investigations for legislative staff are not publicly available, but there is reason to believe the costs will be minimal. Currently every Member of Congress is allowed to have two staff with a Top Security clearance, and the investigation the House conducts for that clearance should cover most, if not all, of the needs for determining whether a staff member should receive a compartmented clearance. Some staff also already hold those clearances from reserve military duty or past work, limiting the costs of "turning on" that clearance for legislative work. The cost of investigating and adjudicating TS/SCI clearances in the executive branch is around \$5,000 for someone who has never had a clearance, and that clearance is good for 5 years.<sup>7</sup>

The three committees we identified have no more than 100 members, all told.<sup>8</sup> Even if we assume that no office has any cleared personal staff and all of them would request TS/SCI clearances, the cost would be \$500,000 over 5 years, or \$100,000 annually. But of course this estimate is significantly inflated because many staff actually do already have TS clearances, and some of the members' serve on multiple committees. We do anticipate there would be some, likely minimal, costs for maintaining records of nondisclosure agreements and tracking individuals granted clearance, and urge the Committee to increase funds for the Sergeant at Arms accordingly.

In addition to requesting that each member of these three committees be able to provide one of their personal office staffers with TS/SCI clearances, we also request a public-facing report that details the cost of providing a single TS/SCI cleared staffer to every member of the House who requests one. This would clarify the marginal costs of providing Sensitive Compartmented

<sup>6</sup> Brad Wright, "Most leaks come from executive branch, CIA director says," *CNN*, July 12, 1999. <http://www.cnn.com/ALLPOLITICS/stories/1999/07/22/leaks/> (Downloaded March 29, 2018)

<sup>7</sup> An individual holding a top secret clearance is normally subject to a periodic investigation every five years. U.S. Department of Defense, Defense Security Service, "Periodic Reinvestigations," December 1, 2015. [http://www.dss.mil/psmo-i/indus\\_psmo-i\\_updates.html](http://www.dss.mil/psmo-i/indus_psmo-i_updates.html) (Downloaded March 29, 2018)

<sup>8</sup> HPSCI has 22 members, HAC-D has 16 members, and Armed Services has 62 members.

Information access to staff who already have a Top Secret clearance and allow Congress to consider the costs and benefits of providing sufficient support to all members of the House.

Congress is the public's best check on the most secretive aspects of the national security bureaucracy. We urge you to strengthen Congress's abilities fulfill this solemn obligation.



**Mandy Smithberger**

**Director, CDI Straus Military Reform Project**

Ms. Smithberger, a former national security policy adviser to U.S. Rep. Jackie Speier (D-Calif.) worked on passing key provisions of the Military Whistleblower Protection Enhancement Act into law, which expands protections by increasing the level of Inspector General review for complaints, requiring timely action on findings of reprisal, and increasing the time whistleblowers have to report reprisals.

She also worked on an amendment to the National Defense Authorization Act (NDAA) that required closer scrutiny of the Littoral Combat Ship program's deficiencies, including limiting the Navy to purchasing only the number of mission modules required for operational testing.

Smithberger, who has a Masters in Strategic Studies and International Economics from Johns Hopkins University's School of Advanced International Studies, also served as an analyst at the Defense Intelligence Agency and U.S. Central Command.

### 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.

<p>Your Name, Business Address, and Telephone Number:</p> <p>Mandy Smithberger 1100 East NW suite 500 Washington, DC 20005 202-347-1122</p>
<p>1. Are you appearing on behalf of yourself or a non-governmental organization? Please list organization(s) you are representing.</p> <p>Project on Government Oversight Demand Progress</p>
<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?</p> <p>Yes <input type="radio"/> No <input checked="" type="radio"/></p>
<p>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?</p> <p>Yes <input type="radio"/> No <input checked="" type="radio"/></p>
<p>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.</p>

Signature: *Mandy Smithberger*

Date: April 5, 2018

Mr. YODER. Thank you for your testimony, Ms. Smithberger. You said the Senate does allow the TS/SCI for their staff.

Ms. SMITHBERGER. Right. They have those designees specifically for Senate Intelligence.

Mr. YODER. And the House has never done that?

Ms. SMITHBERGER. Correct.

Mr. YODER. Do you know what the reasoning has been, what the difference is?

Ms. SMITHBERGER. I think the House doesn't stand up for its own oversight powers like they should, to be honest.

Mr. YODER. Now you are playing to the crowd. I see what you are doing. It is time to stand up.

Ms. SMITHBERGER. I think, one, there are reasons why there is reluctance to expand access to clearances and this information, and I understand that, but I think the Senate has demonstrated that this kind of system can be handled responsibly. I think it has really resulted in being able to have more robust oversight.

One of the great things about committees is the diversity of the points of views of Members. If they have their own personal staffer who can pursue issues of interest, I think there are a lot of oversight opportunities that are being missed. I think there is a lot in IT spending, for example. As we were talking about, Cambridge Analytica, propaganda, I think a lot of this information is essential for staff to know to be able to puncture the propaganda efforts of other foreign countries to know what our real interests are and to make better policy decisions.

Mr. YODER. What concerns should Congress have about adding all of these new clearances, though? Wouldn't one of the drawbacks be potential for leaks of this information?

Ms. SMITHBERGER. Oh, that is certainly a concern, but that is why I think it is important to have more robust training and re-training to make sure that people are properly handling this information. We have found that staff are very responsible for this information.

We would also point out that, unlike in the executive branch, congressional staffers don't even have any whistleblower protections to be able to give this information out to others. And so there would be severe consequences for anyone who mishandled this information.

Mr. YODER. I think we are going to hear some testimony on that, as well.

Mr. MCCLANAHAN. I have some information on that, if you wish to hear.

Mr. YODER. Let's continue on with our testimony. We can come back to that if we want additional information.

Mr. Ryan.

Mr. RYAN. I am good.

Mr. YODER. Thank you for your testimony, Ms. Smithberger.

Now we are going to move onto Ms. Feinstein with the Government Accountability Project. Thank you and welcome to the committee.

Ms. FEINSTEIN. Chairman Yoder, Ranking Member Ryan, thank you for the opportunity to speak with you today.

My name is Samantha Feinstein. I am the international legislative and policy analyst at the Government Accountability Project, and I respectfully request that the House of Representatives establish a whistleblower resource center in fiscal year 2019 appropriations.

Under the False Claims Act, whistleblowers have helped return an average of \$3 billion to \$5 billion a year to the United States Government. As such, whistleblowers play a vital role in our democracy, but they are often going against a bureaucratic giant. As such, they risk everything when they make a disclosure, and it takes a great amount of courage to come forward. Our hope is that establishing a whistleblower resource center would help handle whistleblower claims responsibly.

The Government Accountability Project has helped an average of 8,000 whistleblowers over the last 40 years, and 7,000 of them have sought our informal advice on how to maximize their impact and minimize their pain.

We know from experience that working with Congress can provide a vital lifeline. They are the best allies for whistleblowers. For instance, Franz Gayl exposed that the Marines for a year and a half during the Iraq war didn't send mine-resistant vehicles to Iraq and Afghanistan. They had about 1,000 of them. After congressional intervention, they sent the vehicles to Iraq. Unfortunately, 1,000 lives died needlessly while they were sitting on bureaucratic red tape. Once the vehicles were deployed or shipped to Iraq, the fatalities went down from 60 percent to 5 percent from land mine-related accidents.

Unfortunately, for a whistleblower, going to Congress can also be the highest risk for them. One common mistake that congressional staffers make—often in good faith while trying to help them—is, you know, first reaction, question the agency. Sometimes, in questioning the agency, staffers will send evidence provided by the whistleblower that can expose identifiable information about the whistleblower and open them up to vulnerability.

Another common mistake is limiting the confidentiality to identity protection but not figuring out what other identifying information about the whistleblower in advance would protect them and accidentally exposing that. For instance, in hard-hitting questions during testimony, some of that information could come about.

A third common mistake is going to the media and law enforcement with evidence. Sometimes they don't have the knowledge about the confidentiality of the whistleblower, and they can also open the whistleblower up to exposure and danger. When this happens, the agency will increase their retaliation because they see them as a danger to the agency, and it could make things a lot worse for the whistleblower, and this has a chilling effect.

So establishing a whistleblower resource center can help with training and providing resources for Congress on how to communicate with whistleblowers. These are avoidable mistakes, and we think that the center will help address that problem.

Another goal of the center is to facilitate communications between whistleblowers and the appropriate congressional offices and committees for their matter, based on the subject of their claim. The whistleblower resource center wouldn't necessarily investigate

the claim. That would fall within the offices and the committees to do that, but they would be a resource for them.

Moreover, in conclusion, whistleblowers are extremely important to our democracy, and this would provide a safe channel for them and a secure way of submitting evidence. If there is a secure mechanism for providing information to Congress to the resource center, we think this could provide the vital lifeline for communications between whistleblowers and Congress.

Thank you.

[The prepared statement follows:]

**Samantha Feinstein, International and Legislative Policy Analyst,  
Government Accountability Project  
Testimony Before the House of Representatives  
Legislative Branch Appropriations Subcommittee  
April 2018**

Chairman Yoder, Ranking Member Ryan, and members of the Legislative Branch Appropriations subcommittee, thank you for the opportunity to speak with you today.

Whistleblowers serve as Congress' lifeline to information about federal waste, fraud, abuse, and malfeasance, and we believe Congress should protect and strengthen its ability to obtain the information they seek to provide. Accordingly, we respectfully recommend the House of Representatives establish a Whistleblower Resource Center through the allocation of funds from fiscal year 2019 appropriations. This office would support House staff who work with whistleblowers and facilitate whistleblower communications to appropriate House committees and offices.

The Center would be constituted as an independent office of the House of Representatives that provides advice, assistance, guidance, and training to congressional offices on communicating with whistleblowers. In addition, it would inform whistleblowers on the full range of offices with jurisdiction over a matter, and would provide a secure, confidential mechanism to communicate. Furthermore, the Center would help improve the House's ability to receive whistleblower communications by issuing an annual unclassified publicly-available report on how the House overall has handled whistleblower communications. The Center would *not* address the substance of issues raised by whistleblowers, which remains the purview of House offices and committees.

As matters currently stand, some congressional offices inadvertently mishandle whistleblower complaints, increasing the likelihood of retaliation or misdirected communications. Congressional offices would benefit from advice on improving how whistleblower communications are handled. In addition, people who wish to contact the House of Representatives concerning waste, fraud, abuse, or malfeasance often are flying blind. They may not know how congressional offices operate or which office to contact, and a mistaken assumption could inadvertently harm them or prevent information from going through proper channels. The Center can help ensure whistleblowers are informed of the options.

We appreciate your thoughtful consideration of the matter and look forward to working with you to strengthen this vital lifeline and protect whistleblower communications to Congress.



Samantha Feinstein is the International and Legislative Policy Analyst at GAP. She has over 17 years of experience – 10 working in international law and development including anti-corruption, international access to justice, good governance, human rights, and humanitarian aid, with a focus on supporting fundraising and competitive proposals. Before joining GAP, she worked at the American Bar Association (ABA) Section of International Law and the ABA Rule of Law Initiative. Ms. Feinstein has also worked at various international development organizations including the International Rescue Committee where she managed their Middle East and their East and Central Africa refugee assistance programs, and Banyan Global where she worked as a consultant to help them win a multi-million dollar USAID global gender project. She also worked in Brussels as Middle East Policy Advisor to Nirj Deva, UK Member of European Parliament (MEP) and Vice Chairman of the Development Committee.

Ms. Feinstein holds a B.A. in Government and World Affairs from the University of Tampa, an M.A. in International Relations from Hult International Business School in London, and is a J.D. candidate from the University of the District of Columbia David A. Clarke School of Law (expected graduation May 2018).

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<p>Your Name, Business Address, and Telephone Number: <i>Samantha Feinstein,</i>  <i>1612 K St. NW Washington, D.C. 20006</i>  <i>202-457-0034 x162</i></p>
<p>1. Are you appearing on behalf of yourself or a <u>non-governmental organization</u>?  Please list organization(s) you are representing.  <i>Government Accountability Project.</i></p>
<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 <input checked="" type="radio"/> No</p>
<p>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 <input checked="" type="radio"/> No</p>
<p>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.</p>

Signature:



Date: 4/4/18

Mr. YODER. So the way I understand your proposal, this entity would not do the investigation; it would just provide resources for potential whistleblowers to understand the process, their rights, how to direct their complaint so that it doesn't get lost. Is that sort of how you envision this?

Ms. FEINSTEIN. That is exactly correct: so that it doesn't get lost and/or mishandled.

Mr. YODER. Mishandled. I know we have some resources in the Office of Government Reform Committee's Blow the Whistle service. How would this differ from that?

Ms. FEINSTEIN. Well, the resource center would provide a secure mechanism for communicating, which I think is really important, and we recommend that the whistleblower resource center be established as an independent apolitical entity so that there is no risk or interference for—or, at least to mitigate the risk for interference from politics.

Mr. YODER. So we keep both entities or would your entity sort of remove the OGR Blow the Whistle service out into its own separate entity?

Ms. FEINSTEIN. I don't think it should duplicate existing efforts or replace existing efforts.

Mr. YODER. I think independence is part of your proposal, the value of your proposal.

Ms. FEINSTEIN. Exactly. Independence, security, provision of resources, facilitating communications. But I think it could work with other entities that support whistleblowers. The Office of Congressional Oversight is another one that provides education and training. I think it is important not to duplicate existing efforts.

Mr. YODER. Mr. Ryan.

Mr. RYAN. First, I want to say thank you. You are doing amazing work. I think one of the things we rely on in Congress in this country that we have kind of gotten away from is the citizenship aspect of how this whole country needs to go down. I just want to say thank you to each of you who probably live and breathe this work every day. It is very meaningful to you, and it is very meaningful to us. I just want you to know we appreciate you taking the time out of schedules, as busy as you are, to come here and continue to advocate for this. So thank you.

A question on the whistleblower thing. Is this something we could roll into the Office of Compliance? Have you thought about that? Obviously, that office has gotten a lot of attention over the last 6 months to a year. Is this something that would fit in there? I know you mentioned it being independent. If you could just share your thoughts on that.

Ms. FEINSTEIN. That is exactly our line of thinking. I think the independence aspect of this is going to be just the thing to get the risk for whistleblowers to be way down from what it is now, but I also think it is incredibly important to work with the Office of Congressional Oversight. They do really great work as well, so I think it would complement what they do. There is always the possibility to consider modifying the idea. That is not our recommendation.

Mr. RYAN. When you say "whistleblower," what do you mean by that? We all have different versions of what that may mean. What

are the issues that you think would be relevant in this office? You open it up. We staff it up. What kind of issues are we going to hear about that you think aren't being heard about right now?

Ms. FEINSTEIN. That is a great question.

Mr. RYAN. Thank you. I didn't even get my staff to write that one for me. I did that all on my own.

Ms. FEINSTEIN. Awesome. That is a terrific question. Whistleblowers expose waste, fraud, abuse, and mismanagement. They come from various industries, from farming to agriculture to health to the intelligence community, national security.

I think that there needs to be a resource center that can direct various types of disclosures and various types of protected speech that falls within the general framework of waste, fraud, and abuse.

Mr. RYAN. Do you see this coming mostly from committee staff, with regard to Capitol Hill, or personal staff? The whistleblower. I am just thinking of the detailed knowledge of programming. A lot of that, in my mind, would come out of a lot of our committee staff.

Ms. FEINSTEIN. Exactly. So what I envision the whistleblower resource center doing is providing the list of all of the appropriate committees that they may contact and the appropriate offices. Because if the office has the right jurisdiction and the right amount of leverage, they can make more of a difference than just acting on their legal rights alone.

So they wouldn't necessarily stipulate which committee they must contact or which office they must contact. There are certain committees that are dedicated to protecting whistleblower rights. So that is a natural first ally for whistleblowers for navigating the process.

Mr. RYAN. Thank you.

Ms. FEINSTEIN. Thank you.

Mr. YODER. Okay. Ms. Feinstein, I appreciate your testimony today. Ms. Smithberger and Mr. McClanahan, thank you. I know Mr. Ryan and I and the Congress have benefited by your time today and your testimony. I know we will be looking very closely at these proposals, and hopefully we can move forward on some of these things.

Thank you for being here. I appreciate it.

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TUESDAY, APRIL 17, 2018.

## LIBRARY OF CONGRESS

### WITNESSES

**JOHN PARE, NATIONAL FEDERATION OF THE BLIND**

**GREG LAMBERT, PRESIDENT, THE AMERICAN ASSOCIATION OF LAW LIBRARIES**

**KEVIN KOSAR, VICE PRESIDENT OF POLICY, R STREET INSTITUTE**

Mr. YODER. We will call forward the second panel, which will be dealing with topics on the Library of Congress. I call forward John Pare, Greg Lambert, and Kevin Kosar.

Gentlemen, welcome to the committee. Thank you for taking the time to testify today. I will note that your testimony will be placed in the record. So, to the extent that you can summarize your com-

ments, we look forward to hearing your thoughts and having a little dialogue and moving forward.

With that, I will start with John Pare with the National Federation of the Blind.

Mr. PARE. Thank you.

Chairman Yoder and Ranking Member Ryan, thank you very much for this opportunity to testify today before the committee. As you heard, my name is John Pare. I am the executive director for advocacy and policy at the National Federation of the Blind. I am here today to testify on behalf of the NFB. The National Federation of the Blind is the largest organization of blind people in the United States. We have over 50,000 members, with affiliates in all 50 States, the District of Columbia, and Puerto Rico.

I want to thank the committee for your terrific support of the National Library Service for the blind and physically handicapped. NLS serves 450,000 patrons, has 85,000 audio books and 62,000 hardcopy braille books.

NLS was the first service that I began using when I started losing my eyesight 25 years ago, and I still use it to this very day. The most recent book that I have read on NLS is "Hue 1968" by Mark Bowden, a book about the Vietnam war and the TET offensive, and I highly recommend it.

When one begins to lose his or her eyesight, we can feel isolated, uninformed, and disconnected from everyday society. NLS allows blind people to obtain the information we need in an accessible format. On behalf of all blind Americans, I want to thank you for this educational, informative, and entertaining service.

Next, I want to comment on the importance of refreshable braille displays, also known as E-readers. Braille is essential for literacy, and refreshable braille displays make braille more efficient, practicable, and compact.

A 2016 GAO report entitled "Library Services for Those with Disabilities" said that NLS could save up to \$10 million per year by moving primarily to electronic braille distribution and servicing hardcopy braille requests on an on-demand basis. This means that we could better serve our patrons—or NLS could better serve its patrons for less money.

This transition would require a one-time additional appropriation of approximately \$5 million so that NLS could buy the initial inventory of refreshable braille displays. We urge you to support this request when NLS makes it, which we expect to be in fiscal 2020.

The National Federation of the Blind strongly supports the relocation of the National Library Service to a more prominent location near the Library of Congress. Such a location would promote the collaboration between NLS and other government agencies, would allow blind patrons to visit the NLS using mass transit, and would help educate the general public about the true capabilities of blind people.

I want to thank the committee for including funding for an audible newspaper service. Obtaining time-sensitive information in an accessible format is especially difficult, and NLS does an excellent job in this area.

Increased literacy is a stepping stone to education, which is the foundation of employment, which in turn is critical for the all blind Americans to achieve their full potential.

The NLS has been an important factor in my life, as well as the lives of tens of thousands of blind Americans. I want to thank you for your terrific support of this important library service.

Thank you.

[The prepared statement follows:]



**Statement of the National Federation of the Blind  
Presented by John G. Pare, Jr., Executive Director for Advocacy and Policy  
Before the Committee on Appropriations  
Subcommittee on the Legislative Branch  
United States House of Representatives  
Washington, DC**

**April 17, 2018**

Chairman Yoder, Ranking Member Ryan, and other committee members, thank you for this opportunity to testify before the committee. My name is John G. Paré, Jr. I am the executive director for advocacy and policy at the National Federation of the Blind. My address is 200 East Wells Street, Baltimore, MD 21230; my telephone number is 410-659-9314, extension 2218.

On behalf of the National Federation of the Blind, I appreciate this opportunity to propose an appropriation be made to the National Library Service for the Blind and Physically Handicapped (NLS) in order to fund a new program to distribute refreshable Braille displays, or "e-readers," to its patrons.

The NLS is the primary provider of reading material for hundreds of thousands of Americans who are blind or have physical limitations that make it impossible for them to read print. Patrons of the service include senior citizens who are losing vision, students at all levels of education from kindergarten to graduate school, military veterans who are blind or have physical disabilities, and blind professionals in all fields. NLS is the only public library that serves the blind in the United States. In fact, it is more than a public library. If a public library in a given city closes down or cuts back on services due to funding concerns, sighted readers can visit another library, go online to purchase books or e-books, or go to Barnes and Noble or their favorite local bookseller. These are not realistic options for many blind people.

An appropriation to the NLS for a refreshable Braille display distribution program will save money and lead to the proliferation of critically needed Braille material for blind Americans. As previously mentioned, blind Americans rely primarily on NLS to distribute Braille books across the nation. Currently these are hardcopy offerings, but new, low-cost displays can produce electronic Braille, saving money, saving paper, and providing a small device where formerly multiple and large volumes were required for just one book.

Since 1931, hardcopy Braille has been embossed and distributed to patrons through a network of regional and sub-regional libraries. The cost, size, and process to emboss books severely limits the quantity that can be produced. Furthermore, it is impossible to predict the titles that might be requested at any particular regional library. As a result, there could be five copies of *Harry Potter and the Order of the Phoenix* (thirteen volumes of Braille) in Boise, Idaho and none in Topeka,

Kansas or Cleveland, Ohio where several patrons are currently waiting. Moreover, a 2016 Government Accountability Office report titled "Library Services for Those with Disabilities," indicated that the cost of embossing, housing, and shipping hardcopy Braille volumes was \$17 million annually.

Fortunately, technology exists that can greatly reduce this cost. It is now possible for Braille to be produced in electronic files. Like other types of electronic files, the same Braille book can be read by potentially thousands of patrons at the same time with refreshable Braille displays. Today, the mass production and distribution of Braille content is not only technologically possible, but the method is cost effective. Vast quantities of Braille material can now be stored, transported, and instantly accessed on refreshable Braille displays.

As if that alone was not cause enough for celebration, converting to an electronic format will save a tremendous amount of money. That same GAO report I mentioned before estimates that refreshable Braille displays and electronically distributed books will incur an annual cost of \$7 million. That is an annual savings of \$10 million over the current system. While the program will require a small initial investment, it will result in significant annual savings.

Aside from streamlining the distribution system and saving millions of dollars annually, we predict that the distribution of refreshable Braille displays will have the additional benefit of increased literacy among blind Americans. We predict that increased literacy will in turn increase the employment rate of blind Americans. According to the Census Bureau's 2016 American Community Survey only about 40 percent of blind and low-vision Americans had at least a part-time job. When the criteria is more specific, and we include only those with full-time, full-year employment, the number decreases even further to less than 30 percent. These numbers are well below the national employment average, and we firmly believe that one of the prime causes is a lack of Braille literacy.

A 2015 report by Dr. Edward Bell and Natalia Mino affirmed that blind people who were literate in Braille and used it extensively as their primary reading medium, were employed at a higher rate than those who do not. The evidence is clear. Greater access to Braille for the blind means increased employment for the blind.

Eighty-seven years ago Congress passed the Pratt-Smoot Act, which created the NLS and centralized the collection and housing of the very small number of individually produced Braille books then existing in the United States. But even though NLS services have been made available to blind people on a national scale, the broad distribution of hard-copy Braille books is inefficient. In acknowledgement of this fact and the importance of Braille literacy, in 2016 the 114th Congress amended the Pratt-Smoot Act to authorize NLS to provide its patrons with refreshable Braille displays. The foundation for the future of the NLS has been laid, now the library needs the resources to make that dream a reality.

In a separate, but equally important matter pertaining to the National Library Service for the Blind and Physically Handicapped, we strongly support the relocation of the NLS headquarters to a more prominent location close to the Library of Congress.

**National Federation of the Blind**

**Mark Riccobono, President** | 200 East Wells Street at Jernigan Place Baltimore, MD 21230 | 410 659 9314 | [www.nfb.org](http://www.nfb.org)

In a letter to Chairman Yoder dated March 8 of this year, the president of our organization, Mark Riccobono, outlined certain criteria that the National Federation of the Blind would like to have considered in choosing the new location of the NLS headquarters. We recently learned that one of the locations in consideration as a leading site for the relocation was inside the Government Printing Office building on North Capitol Street. For the reasons outlined in the letter, we fully endorse the selection of this location, and we look forward to the day when we are able to visit the NLS in their new office.

**National Federation of the Blind**

**Mark Riccobono, *President*** | 200 East Wells Street at Jernigan Place Baltimore, MD 21230 | 410 659 9314 | [www.nfb.org](http://www.nfb.org)

Biography for John G. Paré Jr.

Mr. Paré is the executive director for Advocacy and Policy at the National Federation of the Blind. In this position he oversees the continuing growth of NFB-NEWSLINE®, the largest electronic newspaper service in the world, and the Federation's national Governmental Affairs office. He has testified before the House of Representatives Committee on Appropriations Legislative Branch Subcommittee regarding library services for blind Americans. He has also appeared on CNN, Fox, BBC, and various radio programs to discuss issues affecting blind Americans. He has testified before the United Nations World Forum for Vehicle Harmonization regarding the dangers posed by silent vehicles. He is a member of the Society of Automotive Engineers' Committee on Vehicle Sound for Pedestrians, and has advised automotive manufacturers on the danger posed by silent hybrid vehicles.

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<p>Your Name, Business Address, and Telephone Number:</p> <p>John G. Pore, Sr.  National Federation of the Blind  200 E. Wells Street  Baltimore, MD 21230</p> <p>410-659-9314  ext. 2218</p>
<p>1. Are you appearing on behalf of yourself or a non-governmental organization? Please list organization(s) you are representing.</p> <p>On behalf of the National Federation of the Blind</p>
<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?</p> <p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>
<p>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?</p> <p>Yes <input checked="" type="radio"/> No</p>
<p>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.</p> <p>Please see attached</p>

Signature:

*John Pore, Sr.*

Date:

*4/10/18*

**Attachment to Witness Disclosure Form  
National Federation of the Blind  
John G. Pare, Jr. – Presenter**

Library of Congress, National Library Service for the Blind and Physically Handicapped  
9/1/2015-8/31/2020, \$3,250,000  
NFB NEWSLINE Electronic Newspaper Delivery Service (Contract LCNLS15C0074)

In addition, similar contracts were awarded in fiscal years 2013, 2014, and 2015 in the amount of \$650,000 per year.

Library of Congress, National Library Service for the Blind and Physically Handicapped  
1/16/2012-7/15/2017, \$3,039,877.50  
Braille Transcription and Training Program (Contract LCNLS12C0012)

Library of Congress, National Library Service for the Blind and Physically Handicapped  
12/22/2017-12/21/2022, \$2,654,568  
Braille Transcription and Training Program (Contract LCNLS18C0006)

Mr. YODER. Mr. Pare, thank you for your testimony today. I think you will find this committee is very supportive of the programs that you are supporting and testifying about today. I for one have the School for the Blind in my district in Kansas and have seen firsthand the value of the E-reader technology and the need for resources to support these programs that local communities don't have the ability to do, so I know this is a Federal question.

We did include report language in our 2017 omnibus bill that supported the E-reader program, and we have directed the NLS to conduct a pilot program with the goal of identifying which E-reader technology to invest in specifically. Results of the program are yet to be shared with the committee. Do you have insight into that pilot program or a recommendation on which type of E-reader NLS should purchase?

Mr. PARE. We thought your recommendation was good, the report language was good, and that NLS should continue its study. We know it is doing a good job.

Mr. YODER. You are looking forward to those results, as well.

Mr. PARE. Yes, yes.

Mr. YODER. Great.

Mr. Ryan.

Mr. RYAN. I just want to say thank you for coming here, carrying the flag. We appreciate all you do. I think the chairman and I both feel rewarded to support this program and support the blind folks in our community and giving them opportunity. That is really what this is about: it is about opportunity to live a fulfilling life and grow and educate yourself. I think you are a great representative of what we are trying to do. So thank you for being here.

Mr. PARE. Thank you.

Mr. RYAN. We will continue to support you the best we can.

Thank you.

Mr. YODER. I concur with the ranking member's remarks. As we work on our 2019 appropriations allocation, certainly your comments will be valuable to us in the process.

Thank you, sir.

Next, we are going to turn to Greg Lambert, president of the American Association of Law Libraries.

Mr. LAMBERT. Chairman Yoder and Ranking Member Ryan, thank you for the opportunity to testify in support of the legislative branch appropriations for fiscal year 2019.

In my time today, I would you like to focus on the necessity of adequate funding for the Government Publishing Office, or GPO, and the Library of Congress.

First, the funding for the GPO.

The GPO produces, authenticates, disseminates, and preserves government information in multiple formats from all three branches of the government. These are complex and demanding responsibilities that are essential to the information lifecycle and help promote government transparency.

GPO administers the Federal Depository Library Program, or the FDLP, under its public information program account. Approximately 200 law libraries participate in the FDLP, including academic, State, court, county, and government law libraries.

Law libraries rely on the GPO for distribution of specific tangible materials, especially core titles in print, as well as to official authentic material online through the GPO's govinfo website.

On March 15, the bipartisan FDLP Modernization Act of 2018, H.R. 5305, was introduced in the House with the support of the American Association of Law Libraries, the American Library Association, and the Association of Research Libraries.

The bill will update the FDLP for the digital age. It will strengthen the Superintendent of Documents' responsibility to authenticate and preserve government information and improve oversight and increase transparency by adding reporting requirements.

Grantmaking authority for the GPO was not included in the final FDLP Modernization Act, as introduced. However, we are pleased to request that the subcommittee direct GPO to continue to study the creation of a grantmaking program to support the services of Federal depository libraries in providing permanent public access to public information.

Next, I would like to address the Library of Congress.

As the largest library in the world, the Library of Congress provides leadership on many critical issues, including digitization and preservation, access to legal and scholarly information and copyright. The Library's fiscal year 2019 request includes \$1.8 million to strengthen the capacity of the Law Library of Congress.

The Law Library is the world leader in providing access to reliable legal materials in print and electronic formats, and it must have adequate funding to meet the needs of Congress, the Supreme Court, and other court judges, attorneys, and the public.

The Law Librarian must also be able to function with some autonomy within the Library of Congress, as she is the leader of the de facto National Law Library.

It is critical that the Law Library be adequately staffed with experts who have appropriate foreign, legal, and language knowledge to answer complex legal questions and to meet increasing demand for foreign language and foreign law initiatives, including the maintenance and preservation of materials.

We strongly support the Law Library's digitization strategy, which will provide access to public domain U.S. legal and legislative materials and unique foreign law materials not subject to copyright restrictions and not otherwise available free of charge.

Finally, I would like to address a couple of other funding requests. Now that access to the CRS reports is law, we ask the subcommittee to consider other priorities that would enable legislative branch agencies to provide greater access to government information.

One way to do this is by ensuring access to reports that are mandated by Congress but not publicly available in any systematic, comprehensive way. The Access to Congressionally Mandated Reports Act, or the ACMRA, H.R. 4631, would direct GPO to maintain a central repository for agency reports submitted to Congress. We are pleased that the Committee on House Administration reported the bill on April 12 and are hopeful that it will pass the House.

We also urge the subcommittee to formally establish the Congressional Bulk Data Task Force on a permanent basis. The task force has been successful bringing various players within the gov-

ernment together to improve access to legal information and modernize legislative data.

In conclusion, thank you for the opportunity to testify to the subcommittee on behalf of the GPO and the Library of Congress. We urge you to approve as close to full funding as possible for these agencies, and I will be happy to answer any questions you have.

[The prepared statement follows:]



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**Testimony of Greg Lambert**  
**President of the American Association of Law Libraries**  
**On Funding for the Government Publishing Office and Library of Congress**  
**Before the House Appropriations Subcommittee on Legislative Branch**  
**Public Witness Hearing**  
**April 17, 2018**

Thank you for the opportunity to testify in support of Legislative Branch Appropriations for Fiscal Year (FY) 2019. My testimony today focuses on the necessity of adequate funding for the Government Publishing Office (GPO) and the Library of Congress.

The American Association of Law Libraries (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.

Equitable and permanent public access to government and legal information is one of AALL's policy priorities. We are grateful to the Subcommittee, and in particular the leadership of Chairman Yoder and Ranking Member Ryan, for ensuring through language in the FY 2018 omnibus appropriations act (Public Law No: 115-141) that non-confidential Congressional Research Service (CRS) reports will soon be available online to the public through a website maintained by the Library of Congress.

GPO and the Library of Congress have vital missions and critical responsibilities in providing access to and preserving unique materials. Both agencies have made great strides in recent years to contain costs and do more with less. We ask the Subcommittee to provide adequate funding to these agencies so that they may continue to meet their responsibilities to Congress and the public by investing in programs and technologies that increase permanent public access to information.

**Funding for the Government Publishing Office**

GPO produces, authenticates, disseminates, and preserves government information in multiple formats from all three branches of government. These are complex and demanding responsibilities that are essential to the information lifecycle and promote



government transparency. We urge the Subcommittee to fully fund each account within GPO's request.

Particularly important to AALL is funding for the Public Information Programs account, which supports the Federal Depository Library Program (FDLP). We urge the Subcommittee to approve the requested \$32 million. Under current funding, this appropriation has declined by nearly 30 percent since FY 2010. The requested funding level will allow GPO to increase the number of full-time equivalents (FTEs) by eleven to provide additional support for locating and processing federal information for inclusion in the FDLP and the Cataloging and Indexing Program.

GPO administers the FDLP by providing federal government information products in multiple formats to more than 1,100 participating libraries across the country. These libraries are charged with ensuring no-fee access to government information to the American public, including to the residents of your districts.

Approximately 200 law libraries participate in the FDLP, including academic, state, court, county, and government law libraries. Law libraries rely on GPO for distribution of specific tangible materials, especially core legal titles in print, as well as access to official, authentic material online through GPO's govinfo.

On March 15, the bipartisan FDLP Modernization Act of 2018, H.R. 5305, was introduced in the House with the support of AALL, the American Library Association, and the Association of Research Libraries. The bill will update the FDLP for the digital age, strengthen the Superintendent of Documents' responsibilities to authenticate and preserve government information, and improve oversight and increase transparency by adding reporting requirements. It will strengthen GPO's administration of the program while ensuring continued participation by many types of libraries across the country.

In testimony before the Committee on House Administration in July 2017, then-Director of GPO Davita Vance-Cooks suggested that Congress explore grant-making authority for GPO. Though grant-making authority was not included in H.R. 5305 as introduced, we believe it is worthy of further exploration. We recommend that the Subcommittee direct GPO to continue to study the creation of a grant-making program to support the services of Federal Depository Libraries in providing permanent public access to federal information. GPO should coordinate with the Institute of Museum and Library Services and consult with stakeholders about how such a program might be administered.

Finally, we are pleased with the work that GPO has done to make official, authentic information available through govinfo. Our members use govinfo every day to access and share trustworthy legal and government information.



### **Funding for the Library of Congress**

As the largest library in the world, the Library of Congress provides leadership on many critical issues, including digitization and preservation, access to legal and scholarly information, and copyright. AALL thanks the Subcommittee for supporting a \$38 million increase for the Library of Congress for FY 2018. We are pleased this funding will support technology modernization for the Library, the Copyright Office, and the Congressional Research Service. We also thank the Subcommittee for its past support for new shelving for the Law Library, which will improve access to the law collection and protect staff safety.

The Library's FY 2019 request includes \$1.8 million to strengthen the capacity of the Law Library of Congress. The Law Library is a world leader in providing access to reliable legal materials in print and electronic formats and it must have adequate funding to meet the needs of Congress, the Supreme Court and other court judges, attorneys, and the public.

It is critical that the Law Library be adequately staffed with experts who have the appropriate foreign legal and language knowledge to answer complex legal questions and to meet increasing demand for foreign language and foreign law initiatives, including the maintenance and preservation of materials. The Law Library has lost legal specialists in recent years through attrition and retirement. We urge the Subcommittee to support the Library's request for an additional seven FTEs.

We strongly support the Law Library's digitization strategy, which will provide access to public domain U.S. legal and legislative materials and unique foreign law materials not subject to copyright restrictions and not otherwise available free of charge. By digitizing the *U.S. Serial Set* and the *Supreme Court Records and Briefs*, the Law Library will provide comprehensive, ready access to a treasure trove of documents that are currently available only in print, through commercial publishers, or in bits and pieces online (for example, through the Library of Congress American Memory Project, which provides non-searchable access to selected 19th century and early 20th century documents and reports from the *U.S. Serial Set*.) We support the Law Library's request for three FTEs to support its digitization strategy.

### **Other Funding Requests**

Now that access to CRS reports is law, we ask the Subcommittee to consider other priorities that would enable legislative branch agencies to provide greater access to government information. One way to do this is by ensuring access to reports that are mandated by Congress but not publicly available in any systematic, comprehensive way.



The Access to Congressionally Mandated Reports Act, or ACMRA (H.R. 4631) would direct GPO to maintain a central repository for agency reports submitted to Congress. While these reports are sometimes available online, they are often difficult to locate, or require a costly Freedom of Information Act (FOIA) request. ACMRA requires that any agency report that must be submitted to Congress and is releasable under FOIA will be published on a central website managed by GPO. A list of all reports due to Congress will also be available to facilitate accountability. Reports will be downloadable in bulk and submitted wherever possible in open data formats, which will allow the public and others to make full use of the information they contain.

We also urge the Subcommittee to formally establish the Congressional Bulk Data Task Force on a permanent basis. The Task Force has been successful in bringing various players within government together to improve access to legislative information and modernize legislative data.

#### **Conclusion**

Thank you for the opportunity to testify before the Subcommittee on the FY 2019 requests of the Government Publishing Office and the Library of Congress. The work of GPO and the Library of Congress support law libraries, the public, and our democracy. We urge you to approve as close to full funding as possible for these agencies.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Lambert", written in a cursive style.

Greg Lambert  
President



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312.939.6764  
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### **Greg Lambert Biography**

Greg Lambert is the current president of the American Association of Law Libraries. He is also the Chief Knowledge Services Officer at the law firm of Jackson Walker in Houston, Texas, where he oversees operations for the Library, Research, RFP, and Conflicts & Intake departments.

Mr. Lambert is known as an advocate for law librarians and legal information professionals. He is a founding blogger for 3 Geeks and a Law Blog, and writes extensively on the topics of law librarianship, competitive intelligence, knowledge management, and the roles that can be played on the administrative side of large law firms.

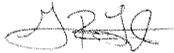
During his career, he has helped rebuild a law library collection that was destroyed in a Tropical Storm and managed a FEMA project at the University of Houston Law School Library. From 1999-2002, he served as Director of the Library & Information Services at the Oklahoma Supreme Court, where he worked on a project to compile all of the State of Oklahoma's case law and statutes online.

[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.

<p>Your Name, Business Address, and Telephone Number: Greg Lambert President, American Association of Law Libraries Chief Knowledge Services Officer Jackson Walker LLP 1401 McKinney St #1900 Houston, TX 77010 / Phone: 713-752-4357</p>
<p>1. Are you appearing on behalf of yourself or a non-governmental organization? Please list organization(s) you are representing.</p> <p>American Association of Law Libraries</p>
<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?</p> <p>Yes      No <input checked="" type="checkbox"/></p>
<p>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?</p> <p>Yes      No <input checked="" type="checkbox"/></p>
<p>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.</p>

Signature: 

Date: April 3, 2018

Mr. YODER. Mr. Lambert, thank you for your testimony today. As someone who has spent a fair amount of time in his life in law libraries, anything you can do to make things easier to find would be welcome.

But I think you will find that this committee has been very supportive of creating additional access and transparency for the public to find the resources the government produces.

And I don't think you make a good point when sort of discussing we can, you know, make these reports public, we can have them there, but if they are not easily findable, it can be very confusing, I think, to members of the public to even know what is out there, much less be able to find what is out there.

Mr. LAMBERT. Correct. And that is our—one of our goals is to make sure that, yes, it is great that the reports are there, but if you can't find it, they might as well not be there in the first place.

Mr. YODER. Well said.

Mr. Ryan.

Mr. RYAN. I concur with my colleague. I too have posttraumatic stress from my legal education and just want to say thanks. We appreciate you coming and bringing us this information. It is obviously very important as the economy gets globalized, and we need to continue to engage in a robust way, and I think you are giving us an opportunity to do that. And, again, we have a lot of challenges here, but this is a very important issue brought. So thank you.

Mr. YODER. Great. Thanks for your testimony.

Now we are going to move to our third member of this panel, Kevin Kosar, the VP of policy at the R Street Institute. Welcome back to the committee, I believe. Thank you.

Mr. KOSAR. Good morning. Yes. Chairman Yoder, Ranking Member Ryan, thank you for having me back. Nice to see you. And thank you to your staff, who are terrific.

So this is the second year in a row that you have done this, and this is wonderful. It is remarkable. All of us in the room are very thankful that you have taken the time.

Growing up in Cuyahoga Falls, Ohio, and taking civics in school, this is the way it's supposed to work. You know, the public comes and talks to you and you guys deliberate and make a decision. But it is remarkable how few committees actually do that, literally keep a blank agenda and say: Just come and speak on things within our jurisdiction. So, again, thank you.

Mr. RYAN. A special welcome to the gentleman from Ohio who is joining us here—

Mr. YODER. Buckeyes are always welcome to this committee.

Mr. RYAN. I am from the 13th Congressional District of Ohio. Thank you.

Mr. KOSAR. I spent 2 good years at Kent State University before going to Ohio State, so yeah.

So a year ago I sat before you and asked you to help complete something that began more than 20 years ago, equalizing public access to CRS reports. I argued then that it was good for the public, as they pay more than \$100 million a year for CRS but had remarkably little access to its very informative reports, while D.C. insiders knew where to get them.

I also suggested that the public would benefit because we are in this strange era of, you know, fake news, alternate facts, and CRS is the gold standard. I mean, their work is absolutely trustworthy. They don't have a finger on the scale. They are just doing the best to tell the truth.

And so having those reports out there to help people clarify, you know, the truth from the untruth would be valuable. And I also suggested—and I am somebody, as you recall, worked at CRS for more than a decade—that you do CRS a favor by making the reports publicly accessible.

It has long been a hassle for staff to have to fend off calls and emails from media, academics, random citizens who are asking them for copies of reports, and, of course, they have to say no, which is not a pleasant thing. So basically you are removing the middleman. You are taking CRS employees out of that and opening the buffet to the public, and that is terrific. That is disintermediation. That is efficient. Twenty years of advocacy by folks, many of whom are in the room, and you were the ones who got it done. So thank you very much for that.

But now comes the challenge of implementation. The law signed March 23 tasks CRS to provide the Library with the reports within 90 days, June 21st, and for the Library to certify that it had done so. This is a good oversight provision.

My concern is that, in that intervening time between passage of the law and the due date, it might be valuable to ramp up some additional oversight so that we can assure that we don't find ourselves in a situation where it is June 21 and you get a report of, oh, there was a technical glitch; there was some sort of issue of one sort or another.

In my testimony, I suggested that you might ask CRS to send you a memo, one, two pages per month explicating clearly what the progress is towards meeting the goal. We could even do it every 2 weeks.

And in order to help you out with the oversight, if you put those things up online on your website, then there is the rest of us on the outside who can look through those responses, help you process what they are saying in case it slips into kind of a bureaucratic gobbledygook of sorts, and, obviously, those of us who are on the outside have access to the media.

And, you know, my hope is that the agency will willfully and promptly comply with the rule of the law, but you can never assume. It is like Reagan said, trust but verify, and we would be happy to help you with ensuring that happens.

So the second topic I wanted to just put on your radar because ultimately it does involve spending approved by you all, is the state of management at the agency, employee happiness at the agency. I talk a lot with people who still work at the agency. And, again, I spent 11 years there. By all accounts, things aren't going so great. A few years ago, CRS commissioned a survey of its employees for the first time, and the results were not good. I don't know if you all were given the full initial survey results or if you were given the kind of selected results that were shared with staff, but you might find those results interesting and a little surprising.

Symptomatic of kind of the situation over there—you know, I hear lots of anecdotes about things not going so well—is a couple months back one of CRS' attorneys boldly drafted a letter to the head of the Library of Congress, Carla Hayden, and to the head of the CRS, Dr. Mazanec, and said the environment here is not good for doing our job.

Our job is to tell Congress the truth and the facts as best we can discern them. And there was this sense that there was a pressure to kind of not call balls and strike but to kind of say: Maybe it is a ball. Maybe it is a strike. You decide in Congress.

That really—that sort of situation undermines the agency's value to you all. You need them to tell the truth, share the facts even when the facts are inconvenient or upsetting. But folks over there, many don't feel like they can do that.

And related to this, I have seen that the agency is hemorrhaging talent. When I last checked 2 weeks ago, there were 14 open job positions where they were calling for applications, and that doesn't count other ones that they haven't listed yet or ones where the application process has just closed.

In recent years, I mean, the departures have been significant and the former Deputy Director, the number two of the agency, left; long-term head of finance departed; the leader of the Government Finance Division, who oversaw 80 analysts, after about 4, 5 years left; head of the Human Resources Unit left; so have various analysts and attorneys.

And these are not folks who are just kind of happily going off into retirement to go fishing. No, these are people often mid-career, even earlier in their career, who have just kind of had enough and left.

The turnover at CRS and the loss of good employees is bad for the agency. It is bad for Congress, and it is expensive. It costs a lot to on-board and train a new employee. That people are choosing to leave a job where basically, after 1 year, you have tenure for life, and if you are an analyst, you can go all the way up to GS-15 and earn \$160,000-plus a year with hardly any chance of being fired, that people would leave that sort of job is extraordinary, and it is symptomatic.

I don't know if CRS' Oversight Committee, the House Committee on Administration, is examining these issues. Regardless, I think you all might want to take a look, maybe consult with the head of CREA, CRS' employee association, maybe talk with some of the folks who have left the agency. No doubt you could get a full list of who is left and who hasn't left.

And you might also want to take a look at the retention rate data. In the previous 2 years, fiscal reports, CRS reported that the retention rate was slipping. This year, when I looked in the fiscal year 2017 report, they didn't list the data. I don't know why.

So thank you for your time, and I would be happy to answer any questions you may have today or in the future.

[The prepared statement follows:]

**Written testimony of Kevin R. Kosar  
Vice President of Policy, R Street Institute  
Before the House of Representatives  
Legislative Branch Appropriations Subcommittee  
April 17, 2018**

Thank you Chairman Yoder, Ranking Member Ryan, and members of the Legislative Branch Appropriations subcommittee for holding this open hearing. This is two years in a row, which is a wonderful and remarkable achievement. All of us who have come today are grateful.

I am the Vice President of Policy at the R Street Institute, and I spent 11 rewarding years as an analyst and acting research manager at the Congressional Research Service (CRS).

One year ago, I sat before you and asked you to help complete something begun more than 20 years ago: equalizing public access to Congressional Research Service reports.<sup>1</sup> I argued then that it was good for the public, as they pay more than \$100 million per year for CRS to serve Congress, yet have far less access to the reports than Beltway insiders. The public also would benefit from CRS, I contended, because the reports are objective—a rare thing in this era of “alternate facts” and claims of fake news.

I also said that you would do CRS employees a favor by making the reports publicly accessible. It has long been a hassle for staff to get calls and emails from academics and media asking for a copy of a report and being forced to say “No.” As such, to remove CRS employees as middlemen would free up their time to work for you.

And you did it. You wrote law that struck down the 1954 appropriations rider that had created inequitable access.<sup>2</sup>

Thank you.

Now comes the challenge of implementation. The law, signed on March 23, tasks CRS to provide the Library with the reports within 90 days (June 21), and for the Library to certify to you that CRS has done so. That is a good oversight provision.

However, I suggest the subcommittee consider querying the Library and CRS every 30 days to oversee their progress prior to June 21. As you know all too well, CRS leadership long resisted the public release of the reports—irrespective of the fact that tens of thousands of copies already were floating around out there. For this reason, the subcommittee cannot presume prompt compliance with the law it wrote. And I would urge the subcommittee to post on its site the LoC’s and CRS’ responses to your oversight queries. Doing so will allow

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<sup>1</sup> Steven Aftergood, “Liberating the Congressional Research Service,” *Secrecy and Government Bulletin*, March 1997. <https://fas.org/sgp/bulletin/sec65.html>

<sup>2</sup> Kevin Kosar, “Where taxpayers pay (\$100 million a year) but interest groups benefit,” *The Washington Post*, Nov. 10, 2015. [https://www.washingtonpost.com/news/federal-eye/wp/2015/11/10/where-taxpayers-pay-100-million-a-year-but-interest-groups-benefit/?utm\\_term=.965e4c523c42](https://www.washingtonpost.com/news/federal-eye/wp/2015/11/10/where-taxpayers-pay-100-million-a-year-but-interest-groups-benefit/?utm_term=.965e4c523c42).

the many, many groups who advocated for this policy to help you keep an eye on implementation.

And since we are on the subject of CRS, please allow me to suggest the subcommittee take a closer look at the state of management there. By all accounts, there are problems. Let me just mention two points:

First, many employees are not happy. A few years ago, CRS commissioned a survey of its employees and the results were bad. Interestingly enough, I am told agency management shared with staff only selected portions of those survey results. I do not know if the agency ever shared the original survey results with you—if not, you may wish to see them. Symptomatic of the situation is that recently a CRS attorney wrote to the Librarian of Congress re: the pressures analysts were feeling to adjust their analysis and discussions with Congress and its staff to avoid offending anyone's political sensibilities. That's a problem; because Congress pays CRS to be objective even when the facts are upsetting. This same attorney, I should add, was sanctioned by the agency because she said something to congressional staff that CRS management feared was too conclusive about what science showed about climate change.<sup>3</sup> Another American Law Division attorney's legal analysis was bottled up by management because it felt its conclusions would some members of Congress. She later was suspended from duty for cursing at her supervisor.

Second, the agency also is hemorrhaging talent. CRS, when I checked two weeks ago, had 14 open positions. Staff are quitting or retiring in frustration and exasperation. In recent years, the former deputy director of CRS left, as did the long-time head of finance, the leader of the government and finance division, the head of its human resources unit, and various analysts and attorneys. CRS's annual reports to Congress in 2016 and 2017 saw the agency's retention rate sliding. Interestingly, CRS did not report its staff retention data in its 2017 report. One wonders why.

The turnover at CRS and the loss of good employees is bad for the agency, bad for Congress and also expensive. It costs a lot to onboard and train a new employee. That people are choosing to leave CRS—a place where one can rise to the GS-15 pay level and make \$164,000 a year—is not a healthy sign. One of the reasons I myself departed in 2014, was that I had little confidence that top leadership had a vision for the agency in the 21<sup>st</sup> century.

I do not know if CRS's oversight committee, the House Committee on Administration, is examining these issues. Regardless, I think you, the appropriators, might find it informative to meet with the leadership of CREA, and also to interview the various employees who have departed the agency to hear what they have to say. CRS management, who presumably will tell you everything is wonderful, can supply you with the names of all departed staff.

Thank you for your time, and I would be happy to answer any questions you may have today or in the future.

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<sup>3</sup> Kevin Kosar, "The struggle between objectivity vs. neutrality continues at the Congressional Research Service, R Street Institute, Feb. 13, 2018. <http://www.rstreet.org/2018/02/13/the-struggle-between-objectivity-vs-neutrality-continues-at-the-congressional-research-service>.

[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.

<p>Your Name, Business Address, and Telephone Number:</p> <p>Kevin Kosar  1212 New York Ave NW #900  Washington DC 20005 # 202-5255717</p>
<p>1. Are you appearing on behalf of yourself or a non-governmental organization? Please list organization(s) you are representing.</p> <p>K Street Institute</p>
<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?</p> <p>Yes <input type="radio"/> No <input checked="" type="radio"/></p>
<p>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?</p> <p>Yes <input type="radio"/> No <input checked="" type="radio"/></p>
<p>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.</p> <p>N/A</p>

Signature:



Date:

4/5/18

Mr. YODER. Mr. Kosar, I appreciate your testimony once again. And I think one of the great bipartisan achievements of this committee was the work to make the CRS reports public last year or, I guess, a few weeks ago, last year's budget.

But we know that was a long time coming, and that success had a lot of authors. We were proud to be part of the culmination of that work. We want to make sure that it is done effectively, so appreciate your thoughts on oversight.

And, of course, the employees at CRS are very important to us. We value their work. We value their independence. We value the reliability of the research, and so we will certainly take your thoughts about the morale or status of those employees to heart because we want to make sure that they are fulfilled in their work because they will produce a better work product. So thank you for bringing that to our attention.

Mr. Ryan.

Mr. RYAN. Yeah. I have got a question, just a comment. You know, I think those of us who have been here for a little while, we know that the last few years have been tough for a lot of different agencies and departments throughout our government with sequestration and all the problems we have had here that we have caused. We take responsibility for that.

And so we have heard similar comments in the military and in other agencies, so we hope that recent budget agreement, our ability to maybe get some of the work done, can help relieve some of this pressure at CRS and, you know, other parts of the government.

One question. So, as I was listening to you kind of make the case, I thought that if we want someone to get the job done in 90 days, aren't we kind of impeding their ability to do that with a detailed account on 30 days, 60 days?

I mean, I would rather them working towards the goal ultimately. So can you explain maybe how maybe that wouldn't be a problem and why you think it would not slow down the process of trying to get to the 90-day goal?

Mr. KOSAR. Right. I think—

Mr. RYAN. And the other aspect of that just, so I can throw it all out there and then you can comment on it, are you talking about details of what the final report would look like?

Because a lot of that—you know, if it is a 90-day process, I am just thinking, if I had to write a paper or do a detailed analysis or a book or whatever in 90 days, that I really wouldn't fully know what was going to come of it until the last few weeks where everything started to come together.

So would that—would a 30-day report, other than maybe we are on track, we are not on track, maybe whatever, but as far as like getting into the details of some kind of analysis. Is that risky to have an incomplete analysis of sorts going out into the public after 30 and 60 days?

Mr. KOSAR. Right. Yeah. What I envisioned basically was, you know, a one-page, two-page top status memo, like past 2 weeks, we met with the Library of Congress, such-and-such person at the technology office who gave us the basic requirements for the file types for transfer purposes; we agreed to, you know, commit to a

transfer of the files by such-and-such date. Really kind of a status check in like a person would do for their boss.

Mr. RYAN. A little more process.

Mr. KOSAR. Yeah. So it is not sitting there, and, of course, if there are any problems they are running into, you want to know those now. You don't want to get those right before the deadline and find yourself, you know, entering summer and autumn and the job is still not done. That is all I was looking at.

Mr. RYAN. Okay. Thank you, Mr. Chairman.

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

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TUESDAY, APRIL 17, 2018.

## HOUSE OF REPRESENTATIVES ISSUES

### WITNESSES

**DANIEL SCHUMAN, DEMAND PROGRESS**

**JOSH TAUBERER, CIVIC IMPULSE LLC**

**SHEILA KRUMHOLZ, CENTER FOR RESPONSIVE POLITICS**

Mr. YODER. We are now going to move on to our third panel this morning, and I will call before the committee Daniel Schuman, Josh Tauberer, and Sheila Krumholz, who will all be testifying related to operations of the House of Representatives.

Welcome to the committee. Welcome back to the committee for some. Appreciate your interest in testifying today and look forward to hearing your comments. As you know, your written comments will be in the record, and so you may summarize those for the committee.

And I will start with Mr. Schuman from Demand Progress.

Mr. SCHUMAN. Great. Thank you so much for having me back.

Mr. YODER. Welcome back.

Mr. SCHUMAN. Appreciate it.

So just a couple quick things: One, thank you for CRS. I won't say as much about it as Kevin said. But thank you. Thank you. This is very exciting.

I would like to talk about another great congressional institution, which is its staff, all the people who are smirking maybe as I say that. Very few things can happen in the House without its staff, but we don't know a lot about current staff in the House of Representatives.

This wasn't always the case. From 1978 until 2010, the House commissioned 17 studies of House staff pay, retention, and demographics, looking at sort of how they function and how they turned over questions like, is there a pay gap between the legislative branch and the executive branch staff? What is the composition of staff that work here? What is their educational attainment, questions of race and gender? And things like that so we could get snapshots sort of over time.

And when we looked at it, I did sort of a meta-analysis in 2010 of the data, and, you know, some staff pay had actually stagnated over the period of time and a handful of categories had done better. But that was at 2010. There haven't been any studies, that I am aware of, sort of since that time.

We do know that from 2010 to present there has been a 12.34 percent decrease in funding for the House. The Congressional Management Foundation has said that the number one reason that staff leave is because of pay in a report that came out last year.

The R Street Institute, one of Kevin's colleagues, said that, while we have finally equality in terms of there are roughly the same numbers of men and women working in the House, which is great, but we see that senior positions tend to be occupied by men as opposed to women, so there may be a promotion question.

And people who have done a lot of scholarship on this issue have suggested that we have sort of overextended our congressional staff. And what that means is that lobbyists like me and think tanks have become a little bit too sort of able to overexert themselves in this process. And that is important for staff to be able to find their own facts and not necessarily have to rely on outsiders for some of the information that they need.

So my suggestion is it is time for another staff study. It has been 8 years. This was valuable. It was not all that expensive to do. And let's look at some of the things that we looked at before. Let's look at our folks in the legislative branch earning the same kind of money for their equivalents in the executive branch.

Let's look at questions around expertise. Do we have the same level of expertise in the House, or has it changed? Same levels of educational attainments. You were joking before about too many lawyers in the room. As an attorney, that is often a problem. As an attorney, I can say that as well, and as a CRS attorney, it makes things even worse.

But so, looking at that question. We can also look at a couple other things. So some things that we haven't looked at, so we used to have reports on diversity. That is useful, but let's also look at are the same people getting the same pay for the same job, whether it is for men and women or based on race. Like that is a useful thing to know whether we are actually sort of equalizing those things, or are we not quite there yet?

And let's not just do sort of snapshots, or where we are in—it is 2018, right? Yeah, 2018. But let's also—like how has this changed over time? Are we sort of trending in the right direction, or are we trending in the wrong direction?

I would sort of suggest two additional things as well: One is we have seen emergence of shared staff. One percent of House staff, according to a CHA hearing last week that I attended, are shared staff, but they work for 75 percent of the offices.

We don't know a whole lot about them. Like we don't know how—I mean, like how they function, how it works. That is something that we should sort of see how it fits into the congressional process.

There is also—I don't have a great—I think this is kind of clever, although I suspect that everyone else will just roll their eyes. I am calling these folks ghost staff. These are staff that work for the House but are paid for by outside entities. What this does is this raises questions of conflicts of interest. So there are a number of folks that are paid for by the executive branch who go and they do a term in the House. There is some folks who are paid by for non-

profits or by civil society. These are people who have interest in what is happening here.

My research suggests that there are hundreds of these folks, but we don't really know. And we should know. If we are having congressional functions being shifted to those who are not being paid by Congress, we should get our arms around the issue and have a sense of who they are and what they are doing and sort of what their incentives are and sort of put that in the context of how we have changed the way the House itself is functioning.

So I am requesting—you know, this committee has before, you know, charged CAO with hiring a contractor to do this report. I think it makes sense to do it again. I came up with something that I thought was clever. In retrospect, it is not as clever, but I am going to say it anyway, which is that these staff can provide a factual foundation to address what more should be done to support the staff who support you in the work that you do.

So that was only mildly clever, but that underlines the point which is that like, I mean, staff are at the heart of what happens here. And we need to do all that we can to make sure that they continue to make the system work properly.

So I respectfully request that we take another look at it again.  
[The prepared statement follows:]

**Daniel Schuman, Policy Director, Demand Progress Action  
Joined by Alex Howard, Sunlight Foundation; Jason Briefel, Senior Executives  
Association  
Testimony Before the House of Representatives  
Legislative Branch Appropriations Subcommittee  
April 2018**

Chairman Yoder, Ranking Member Ryan, and members of the Legislative Branch Appropriations subcommittee, thank you for the opportunity to speak with you today.

There is no more important resource to Members of Congress than their staff. These men and women provide legislators indispensable assistance in meeting their legislative, oversight, and constituent service responsibilities, and they are often the repository of institutional knowledge inside the House of Representatives. The Congressional Record is replete with eulogies that praise a staffer who spent her entire career in public service to Congress, and lament the departure of a treasured source of wisdom.

The House of Representatives historically has understood the importance of managing its “human capital,” and conducted 17 studies on that topic over the last forty years. The first such report, in 1978, was conducted by the Commission of Administrative Review pursuant to a House resolution to perform “a thorough and complete study with respect to the administrative services of the House of Representatives.”<sup>1</sup> Subsequent reports were written by contractors, overseen by the Chief Administrative Officer, and focused on analyzing job tenure, House pay as compared to private sector pay, analysis of pay rates and job roles by gender and race, and a review of educational attainment. The last study was conducted in 2010 — 8 years ago.

We urge the House of Representatives to re-authorize a review of its personal and committee office staff along these lines.

There is reason to believe that congressional staff may have lower salaries than their executive branch counterparts. Any pay gap or perception thereof may affect staff retention in the House of Representatives. In addition, it is unknown but suspected that there are disparities in pay among congressional staff with the same duties that vary based on gender or race. Information about any pay or retention gaps would help the House understand whether further action should be taken.

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<sup>1</sup> See House Document 95-178.

This recommendation is consonant with historical practice and the position articulated by the committee in prior years. In its 2010 report,<sup>2</sup> the Legislative Branch Appropriations Subcommittee described the House of Representatives' human resources challenge as follows: "The institution has not been as successful, however, in retaining staff who often find better pay and benefits in the executive branch or private sector." After describing several initiatives to address this issue, the report continued: "The Committee considers these recommendations as merely the next steps in a multi-year effort to give House of Representatives employees a fully competitive pay and benefits system." It added that "maximizing diversity in the legislative branch workforce remains a high priority."

Studies of staff pay, retention, and diversity are common inside and outside government. The Office of Personnel Management, for instance, just released its annual Federal Equal Opportunity Recruitment Program report to Congress,<sup>3</sup> which analyzes federal employee pay and demographics by gender and race. OPM maintains a website that allows anyone to evaluate the data.<sup>4</sup> In addition, the White House has analyzed Executive Office of the President staff along these lines, as have outside entities like the American Enterprise Institute.<sup>5</sup> Furthermore, private sector companies gather and release similar demographic data about their employees, including asset managers<sup>6</sup> as well as technology companies like Facebook<sup>7</sup> and Google<sup>8</sup> parent company Alphabet.

Civil society and academics have turned their attention to Congress as well. A 2010 Sunlight Foundation study evaluated House of Representatives staff pay over the preceding quarter-century, finding average salaries for most Washington-based House personal office staff significantly decreased in real terms, with the kicker that, in addition, fewer staff were engaged in policy-making roles.<sup>9</sup> It might come as no surprise, then, that a 2017 report by the Congressional Management Foundation found only 5% of Congress's staff satisfied with

<sup>2</sup> See House Report 111-160, available at

<https://www.congress.gov/congressional-report/111th-congress/house-report/160>.

<sup>3</sup> <https://www.opm.gov/policy-data-oversight/diversity-and-inclusion/reports/feorp-2016.pdf>.

<sup>4</sup> <https://www.unlocktalent.gov/>

<sup>5</sup> See "Glass ceiling at the Obama White House?" Mark Perry, American Enterprise Institute (July 2016), available at

<http://www.aei.org/publication/glass-ceiling-at-the-obama-white-house-female-staffers-earn-8270-and-10-75-less-than-their-male-counterparts/>. For the White House data, contact Daniel Schuman.

<sup>6</sup> See "Fund companies lift the lid on workforce ethnic diversity," Financial Times (Nov. 5, 2017), available at <https://www.ft.com/content/6376ed7e-be30-11e7-b8a3-38a6e068f464>.

<sup>7</sup> <https://newsroom.fb.com/news/2015/06/driving-diversity-at-facebook/>

<sup>8</sup> <https://diversity.google/commitments/>

<sup>9</sup> "Keeping Congress Competent: Staff Pay, Turnover, And What It Means for Democracy," by Daniel Schuman, Sunlight Foundation (December 2010), available at

<https://sunlightfoundation.com/2010/12/21/keeping-congress-competent-staff-pay-turnover-and-what-it-means-for-democracy/>.

its human resources support and infrastructure, with the top reason staff leave Congress identified as their “desire to earn more money.”<sup>10</sup> In addition, a 2017 analysis by the R Street Institute’s Casey Burgat found that women are well represented as congressional employees, but not in senior positions.<sup>11</sup> And a 2015 study by the Joint Center for Political and Economic Studies looked at racial diversity in the Senate,<sup>12</sup> finding that people of color make up only 7.1% of top Senate staff even though they account for 28 percent of the voting population.

These studies suggest issues for investigation by the House. Indeed, staff pay, retention, and demographics ultimately are matters of great import to the House of Representatives itself. Can it recruit and retain capable staff with broad-based expertise and perspectives? Has it created a welcoming environment where staff succeed based upon merit? Is the House of Representatives improving its work environment over time? It is able to perform its duties in overseeing the executive branch? Better data can help us understand — and improve — how the people’s house functions.

In prior years, data regarding House of Representatives staff was gathered through a survey sent to the relevant offices. It is possible that the House may already possess much of the data necessary for the analysis we described earlier. Regardless, we were pleased with the quality of the earlier reports, although it would be helpful to have a longitudinal perspective.

In addition, we recommend that the results of the employment study be released to the public. We do not suggest releasing the demographic data for any individual staffer, or in a way that would allow for deanonymization of individual staff. It is important to protect each staffer’s personal privacy. However, releasing aggregate data for the House of Representatives, broken out by job category and type of office, is a reasonable approach, particularly given public interest in the topic and the House’s moves towards greater transparency.

Thank you for the opportunity to testify before you today.

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<sup>10</sup> “State of the Congress,” Congressional Management Foundation (2017), available at [http://www.congressfoundation.org/storage/documents/CMF\\_Pubs/cmf-state-of-the-congress.pdf](http://www.congressfoundation.org/storage/documents/CMF_Pubs/cmf-state-of-the-congress.pdf).

<sup>11</sup> “Among House staff, women are well represented. Just not in the senior positions,” by Casey Burgat, Washington Post, (June 2017), available at <https://www.washingtonpost.com/news/monkey-cage/wp/2017/06/20/among-house-staff-women-are-well-represented-just-not-in-the-senior-positions/>.

<sup>12</sup> “Racial Diversity Among Top Senate Staff,” by James Jones (December 2015), available at <http://jointcenter.org/sites/default/files/Racial%20Diversity%20Among%20Top%20Senate%20Staff%2012-2-15%20140%20pm%20%282%29.pdf>.

**Daniel Schuman Biography**

Daniel Schuman leads Demand Progress Action's efforts on issues that concern governmental transparency/accountability/reform and civil liberties/national security. Demand Progress Action is a project of the Sixteen Thirty Fund, and our more than two million members seek to protect the democratic character of the internet — and wield it to make government accountable and contest concentrated corporate power.

Daniel co-founded the Congressional Data Coalition, which brings together organizations from across the political spectrum to advocate for a tech-savvy Congress. Daniel co-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. He also coordinates the bipartisan Transparency Round Table. His 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; as a legislative attorney with the Congressional Research Service; and as a very junior staffer on Capitol Hill. Daniel graduated cum laude from Emory University School of Law.

New Legislative Branch Appropriations Subcommittee  
 [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.

<p>Your Name, Business Address, and Telephone Number:          Daniel Schomaw, Demand Progress Action (a project of the Sixteen Thirty fund)          30 Ritchie Ave, Silver Spring, MD          240-237-3930</p>
<p>1. Are you appearing on behalf of yourself or a non-governmental organization? Please list organization(s) you are representing.          Demand Progress Action, a project of the Sixteen thirty fund</p>
<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      <input checked="" type="radio"/> No</p>
<p>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      <input checked="" type="radio"/> No</p>
<p>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.</p>
<p>Signature:  Date: 4/3/18</p>

Mr. YODER. Thank you for your testimony, Mr. Schuman. Do you have an estimate of what the study would cost? What did it cost 8 years ago? Do we know?

Mr. SCHUMAN. So it is not clear. The Senate did a study like this 11 years ago, and they appropriated \$80,000. The underlying details for what the CAO led is not publicly available, so I don't know, but I imagine it is probably in that ballpark. You could talk to CMF, the Congressional Management Foundation, who used to conduct these or—I forgot what the name of the other one is who did it more recently, and they could probably give you a better estimate. But we are probably talking like 100K, which is not nothing, but it is also not a ton of money in a leg branch context.

Mr. YODER. And does part of that study look at just the House or look at comparative to private industry? I mean, do they get into sort of—you know, part of it is, is it keeping pace with House salaries, but is it also keeping pace with, you know, what folks might make outside of their staff work?

Mr. SCHUMAN. I think that is—so when I tried to do a meta study of this in 2010, I tried to do that. So I looked at comparison of leg branch, personal office, and committee office, versus the executive branch because that is the closest comparator. You can look at the job titles. They don't line up great, but you can sort of get a sense of how they line up.

I found about a 20-percent gap. So, you know, if you make \$80,000 working in the congressional office, you know, you are probably a 13 or 14 on the executive branch side, so you are probably earning 20K or 30K more. So there was that sort of a disparity.

Private sector is harder to do assessments. What I saw sort of paralleled what we saw when there was a study of the executive branch, which is that some of the junior staff—so folks that wouldn't be personal committee office but oftentimes like janitors and folks like that, in government service they tend to get paid a little bit more than the private sector, and as you go up with experience in credentials, they tend to get significantly underpaid. The janitor question doesn't apply, of course, in the context of personal and committee office staff so that doesn't fit here. But what we are generally seeing is that like there is a significant diminution in sort of, you know, what is paying in that space.

It is valuable to look at a private sector. We have found that when people leave the Hill, they tend to make significantly more money than they would have earned if they were congressional staffers. Sometimes they can double or triple it.

Mr. YODER. And that is not going to change, but I do think it is helpful just to sort of look at the entire perspective if we were going to study that issue.

Look, I think I would speak for my colleagues in how much we know that we rely on the talent and hard work of staff members who work long hours and for probably way less than they could make if they left the Hill.

And we certainly know that experience is part of the reason they come to the Hill, but at the same time, it becomes very difficult for folks. They have, you know, lots of expenses and things aren't get-

ting any cheaper, and maybe the salaries aren't keeping up with where they need to be, so I think it is helpful to look at that.

And I think additionally, probably it would be useful to look at the benefits themselves. Obviously, the student loan payback program is one reason people might stay on the Hill. That would be interesting to know how valuable that is, right. Is it robust enough? Are there other concerns?

You know, one of the things this committee is leading on is additional child care options, right. There has been a really long line for staff members to be able to get affordable child care close to their work, so we are roughly tripling or more the amount of spaces that are available.

So there is the salary issue, but there is also the benefits, and then there is the amenities, and, you know, for most of us, our staff members are like family, you know. We couldn't do our jobs without them, and we want to make sure that the retention stays, and there are a lot of things that go into that.

Mr. SCHUMAN. Can I add just one thing?

Mr. YODER. Yes, please.

Mr. SCHUMAN. So what you said is exactly right. The only thing that I would add is, like, I don't think it is going to be possible to match the private sector. But my goal was not to match. It is simply, you know, when people hit 30, they no longer want to live in a group house, and they no longer—right, like those things change.

And what we see, based on the data from the past, is that staff tend to be very young, and they tend not to stay here that long. I don't think that we can match it. But I think that we can provide people enough of a quality of life so that they—if they want to stay here, that they have that option.

Mr. YODER. Well, there are a number of staff members that are only here because their parents have to subsidize their lifestyle, and, you know, they wouldn't be able to pay rent and live on the salaries they get.

And what that means is that Hill jobs aren't open to every American citizen who doesn't have that support, right. We want to make sure that the kid who is on student loans who doesn't have any support also has the chance to come to the Hill and maybe someday have the dream of not living in a group home, right. Let's aspire to greatness here.

Mr. Ryan.

Mr. RYAN. Thank you.

I appreciate your testimony, as a former staffer and a current member of a group home here in Washington, D.C. I aspire too. Yeah, I aspire too. My wife comes to D.C. and will not stay in my apartment. Let's just put it to you that way.

No, in all seriousness, thank you for raising this. I think it speaks to a broader—I don't have any questions, but I think it speaks to a broader issue that we have. And there has been a level of disrespect in the country for people who participate in the government, who work for government, and are looked upon as somehow, you know, not capable.

And I think we see every single day on this committee just how capable members of the legislative branch are and how many different agencies that we rely on with vast amounts of technical ex-

expertise, from IT to the research that we just had in the previous panel.

And I think we all can probably do a better job of saying this is a noble calling to come here and serve. We rely so much on the staff for our committees, our personal staff, to the point where we are dealing with very complex issues that we rely on them and we start functioning really as a team in our own offices.

So you coming here and kind of validating the work that everyone is doing and advocating for increased pay and benefits and all of these things, I think, is appropriate. And those of us in the office, it is easy to dismiss and say, you know, nobody is worth it and the government stinks and all this other stuff. But the reality of it is it is very important to have experts in these jobs and continue to try to learn and grow in that tenure.

I use the example all the time, I represent a district not far from the Cleveland Clinic, and I certainly don't want a heart surgeon operating on my mother who hasn't been around for a long time and over the process probably made some mistakes, but that is how you learn and grow. And I think we can bring back some kind of appreciation.

So I don't mean to go on a rant, but I just think that it is an issue that I get frustrated with a lot, so thank you for being here to advocate for this. I appreciate it.

Mr. SCHUMAN. Thank you so much for having me.

Hubert Humphrey said a long time ago that your public servants serve you right, and I think that that is something that is often unrecognized. And I appreciate your thoughtful remarks and thank you.

Mr. YODER. Thank you, Mr. Schuman.

Now we are going to move to Mr. Tauberer with Civic Impulse LLC.

Welcome back to the committee.

Mr. TAUBERER. Thank you.

Chairman Yoder, Ranking Member Ryan, other members of the subcommittee—thank you, Daniel, for turning on my mike—thank you for the opportunity to testify today.

This year, I am here on behalf of the Congressional Data Coalition, which is made up of public interest groups, trade associations, businesses, and citizens that use congressional information, from the text of legislation to staff salaries.

My organization, which is a member of the Congressional Data Coalition, runs the website GovTrack.us, wherein the last 9 years—wherein the last year, 9 million Americans came to research and track Federal legislation for free. And we serve journalists, legislative affairs professionals, including staff here on the Hill, advocates, students, educators, and so on.

To members of the Congressional Data Coalition and my organization's users, this hearing is among the most important of the fiscal year. Congress' efforts to publish its proceedings accurately, comprehensively, and comprehensibly is an indispensable function of our government.

But congressional information doesn't become public on its own. In recent years, the subcommittee has favorably reported appropriations legislation that, once enacted, has dramatically improved

access to information about the work of the House, so thank you for that.

Some examples include the establishment of and the support of the House Bulk Data Task Force's Legislative Bulk Data Program at the Government Publishing Office and the Library of Congress, and most recently, of course, access to Congressional Research Service reports. Thank you for those efforts.

And we now rely on many of those resources that you have supported and helped create and has had a tangible impact on improving civics education and public engagement with Congress.

So I am going to talk at a much lower level than some of the other folks that are here. There are three more incremental steps that I am going to offer that would continue the momentum on building the information needs of the institution and for the public.

The first is publishing a committee calendar on [Congress.gov](http://Congress.gov). [Congress.gov](http://Congress.gov) is a website administered by the Library of Congress with support from the Government Publishing Office and is visited by nearly a million people each month.

It provides a valuable resource to the public about legislation. But the website doesn't provide an integrated calendar about hearings and markups taking place each week in both Chambers. And as a result, congressional offices currently pay third parties for a service to provide the information.

So we know it is possible and not costly to combine all of the committee information into a user-friendly calendar on [Congress.gov](http://Congress.gov) because we have done that as a prototype on our own organization's website [GovTrack.us](http://GovTrack.us).

The second incremental step that I am going to offer is publishing the Bio Guide website as data. So the Biographical Directory of the United States Congress, also known as the Bio Guide, is maintained by the Office of the Clerk's Office of History and Preservation and the Office of the Historian in the United States Senate. It is an excellent source of information about current and former Members of Congress. But at this time, the format that the information is published in is not amenable to analysis and reuse. So, if I wanted to use that in my own organization's projects, it is hard to do that.

The Bio Guide information should be published in what we call a structured data format, which could just be a spreadsheet, or more technically XML, and using what we call a change log, which indicates what information has been changed.

Finally, improving disclosure around committee witnesses. Before appearing before you today, House Rules required that I disclosed recent grants and contracts from the Federal or foreign governments, and I actually listed some, which the committee then discloses to the public.

In implementing this requirement, congressional committees are using PDF forms that witnesses often handwrite their information onto which undermines the purpose of the rule, which is the useful disclosure of information about witnesses.

We recommend instead that the information should be gathered by a House-wide web forum, a website, that would ensure the information is typed in, publishable in an online and searchable database, and downloadable, sortable by witness by the organization

they represent and any contracts and grants that they have received.

Lastly, I want to just echo a theme that we have heard from many of the witnesses today. So we urge the legislative branch to continue cultivating its in-house technology talents. The fundamentals are already in place.

The Clerk's website, docs.house.gov; the Library of Congress's website, Congress.gov; GPO's govinfo.gov, these are all evidence that in-house talent here in the House and legislative branch can produce effective and cost-effective solutions for the Congress' public information needs, so whether that be supporting them—and I echo Mr. Takano's remarks about the Office of Technology Assessment and Mr. Schuman's and Kosar's remarks about supporting staff in the Library of Congress. The talent is here in many cases, and I urge you to support it. Thank you for the time.

[The prepared statement follows:]

**Joshua Tauberer, PhD., Civic Impulse LLC  
On behalf of the Congressional Data Coalition  
Testimony Before the House of Representatives  
Legislative Branch Appropriations Subcommittee  
April 2018**

Chairman Yoder, Ranking Member Ryan, and members of the Legislative Branch Appropriations subcommittee, thank you for the opportunity to testify today.

At Civic Impulse LLC, our mission is to help the general public learn about and participate in their government. In the last year, 9 million Americans visited our free website [www.GovTrack.us](http://www.GovTrack.us) to research and track legislation in the U.S. Congress — including journalists, legislative affairs professionals, legislative staff on the Hill, advocates, students, educators, and of course members of the general public. Civic Impulse LLC is a proud member of the Congressional Data Coalition, which is a coalition of citizens, public interest groups, trade associations, and businesses that champion greater governmental transparency through improved public access to and long-term preservation of congressional information, and I am authorized to speak on their behalf.

Americans care about what is happening in the legislative branch, and Congress's efforts to publish its proceedings accurately, comprehensively, and comprehensibly is an indispensable function of our government in this era when information travels fast.

In recent years, this subcommittee has favorably reported appropriations legislation that, once enacted, has dramatically improved access to information about the work of the House of Representatives. Some examples include the establishment of and support for House Bulk Data Taskforce's legislative bulk data program at the Government Publishing Office and the Library of Congress, the creation of the central committee repository [docs.house.gov](http://docs.house.gov), the House Clerk's upcoming new website, the annual Legislative Data and Transparency Conference, digitization of the Congressional Record, and most recently public access to Congressional Research Service reports. Thank you for these efforts. We now rely on many of these resources — and your support for these efforts have had a tangible impact on improving civics education and general understanding of Congress. It also has improved public engagement with Congress.

Three incremental steps would continue the forward momentum of releasing important Congressional information in ways that serve the needs of the institution and the public. They include publishing a committee calendar on [Congress.gov](http://Congress.gov), publishing the "bioguide" website as data, and improving disclosure around committee witnesses.

**Committee Calendar on [Congress.gov](http://Congress.gov)**

[Congress.gov](http://Congress.gov), a website jointly administered by the Library of Congress and the Government Publishing Office and visited by nearly 1 million people each month,

provides a valuable resource to the public about legislation considered by each chamber of Congress. However, the website does not provide an integrated calendar about hearings and markups taking place each week in both chambers, even though that information is available as structured data from the House and the Senate. We know it is possible to combine this information into a unified user-friendly calendar, as we have built a successful prototype of such a service on our website, govtrack.us.<sup>1</sup>

Providing a central listing on Congress.gov of upcoming committee hearings and markups from both chambers for the upcoming weeks would be a valuable resource to the general public as well as congressional offices that currently pay third parties for a service to provide that information. It should include basic information about the meeting, including the topic; the witnesses; the date, time, and location of the meeting; the committee or subcommittee holding the hearing; a link to the committee's website; links to any documents released by the committee relevant to the meeting; and a link to where video from the proceedings are (or will become) available.

#### **Biographical Directory of the United States (Bioguide)**

The Biographical Directory of the United States Congress (or Bioguide) is an excellent source of information about current and former members of Congress. Since 1998, the online version of the Bioguide has been maintained by staff in the Office of the Clerk's Office of History and Preservation and the Office of the Historian of the United States Senate at <http://bioguide.congress.gov>. And, since at least 2007, the underlying data structures for Bioguide data have been provided by the House at its XML website.

At this time, however, the format in which the information is published is inferior for reuse of that data. For those who wish to programmatically make use of its information, the website's data is published only in HTML. Instead, bioguide information should be published in a structured data format like XML. This will make it easier for everyone to use the information. In addition, to keep the public apprised of updates or changes in the bioguide information, a change log, which indicates when information has been changed, should be maintained as well.

#### **Committee Witness Disclosures**

House rules<sup>2</sup> require non-governmental witnesses appearing before a committee to disclose recent grants or contracts from the federal or foreign governments, which the committee then discloses to the public. In implementing this requirement, congressional committees are using PDF forms to gather the information and posting it on their individual committee webpages. Witnesses often hand write (and occasionally scribble) their information on these formats, which in turn are scattered across multiple websites. This makes it difficult to fulfill the purpose of the rule, which is the useful disclosure of information about witnesses that informs Congress and the public about grants and contracts they have received.

<sup>1</sup> <https://www.govtrack.us/congress/committees/calendar>

<sup>2</sup> Rule XI, clause 2, subsection (g)(5)(B)

We recommend instead that the information should be gathered by a House-wide webform that would ensure the information is typed in and centrally available. Ideally, it would be published to the public in an online searchable, sortable, downloadable database that can be sorted by witness, the organization they represent, and the contract or grant they've received.

**Concluding Remarks**

We urge the legislative branch to continue striving to cultivate its in-house technology talent. The fundamentals are already in place — the Clerk's website docs.house.gov, the Library of Congress's Congress.gov, and GPO's GovInfo.gov websites are evidence that in-house talent can produce effective and cost-effective solutions for Congress's public information needs. They can do so much more to enhance public engagement and civics education through the dissemination of Congress's trusted, primary source materials. They need your continued support and encouragement.

I appreciate the opportunity to speak with you and welcome the opportunity to discuss how the work of the House on public access to legislative information translates into a stronger democracy.

**Joshua Tauberer Biography**

Joshua Tauberer, Ph.D., is the founder and president of Civic Impulse, LLC, the organization behind the website [www.GovTrack.us](http://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	Civic Impulse LLC 712 H Street NE Suite 1260 Washington DC 20002
202-558-7227	
1. Are you appearing on behalf of yourself or a non-governmental organization? Please list organization(s) you are representing.	
The Congressional Data Coalition and 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?	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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:



Date: 4/4/2018

Mr. RYAN. Thank you.

Mr. YODER. Thank you for your testimony today. And I think you have raised a number of what appear to be very useful but simple solutions to a frustration that members of the public may have with accessing government data.

And so I actually am very thankful that you are bringing this to us because these are things that necessarily we would never see as Members because we may not be accessing this information that way. So it is critical that members of the public bring these issues to us.

You know, working in reverse order, the committee House disclosures and the biographical data seem to be just making those more user-friendly and efficient, and it doesn't seem to be some sort of cultural change that should cause much angst for anyone.

The committee calendar seems very helpful to members of the public. What I don't know enough about is how information related to committee hearings would migrate to it, and I don't know if you have any suggestions as to how that would actually work.

Mr. TAUBERER. So, over the last decade, there has been a lot of progress here in the House and the House Administration Committee on centralizing House committees. So there is a new website, docs.house.gov—it is not new anymore—but that collects House side information. The Senate has begun publishing—it has been a long—this has been decades, right, so, to me, it seems like it is recent, but it is not. The Senate publishes committee information in a data format called XML. It is all online for anyone to reuse, and so, in principle, the Library could also just gather the information that the House and the Senate have been publishing and centralize it.

That is, you know, a basic thing that they could do. They could go beyond that and work with the House and the Senate on making sure that the data flows smoother and better, but already the pieces are in place to do it.

Mr. YODER. Ultimately, that would fall upon the members of the staff on the subcommittees and committees. For example, if we were to schedule a hearing this afternoon or change a hearing, there is not going to be someone from the—

Mr. TAUBERER. Right. So your staff is probably already doing it.

Mr. YODER. Right. But it is not migrating to one central spot. Is that your point?

Mr. TAUBERER. Correct.

Mr. YODER. Okay.

Schuman.

Mr. SCHUMAN. So docs.house.gov is the official place for committees to provide notice of all their hearings and markups. So everybody in the House already is required to put their notices and information on docs.house.gov. So there would be no additional requirement that would be placed on staff at all. It is already in a structured data. All the Library would need to do is to take the data and basically copy—

Mr. YODER. Create a calendar of it.

Mr. SCHUMAN. Yeah.

Mr. YODER. As opposed to having to go to each link to find out if there is a hearing today, it would all be listed in one spot?

Mr. SCHUMAN. Right.

Mr. YODER. So you would say, "What are the hearings today in Congress," and, boom, you could just find them all.

Mr. SCHUMAN. Totally right. The House already has it for the House. The Senate already has it for the Senate. But there isn't one place that takes from the House and Senate and smushes it together.

Mr. YODER. Seems relatively simple.

Mr. Ryan.

Mr. RYAN. I would just say that for those of us that sit on multiple committees, I can save you a lot of trouble: They all happen at the exact same time, okay. Solved your problem right now.

I yield back.

Mr. YODER. Mr. Newhouse, any comments?

Mr. NEWHOUSE. Well, I would just agree with Mr. Ryan's comment. That is why I am late.

Mr. YODER. All right. Thank you for your testimony today.

Okay. Now we are going to move onto Ms. Krumholz with the Center for Responsive Politics.

Welcome to the committee.

Ms. KRUMHOLZ. Thank you, Chairman Yoder and Ranking Member Ryan, committee members. I lead the Center for Responsive Politics. We track money and politics at the Federal level. We are an organization founded by Democrat Frank—former Senators Democrat Frank Church and Republican Hugh Scott 35 years ago this year.

My testimony today focuses on lobbying data, which we also gather and present on our website [OpenSecrets.org](http://OpenSecrets.org). The Offices of the Clerk of the House and Secretary of the Senate serves as repositories for more than 20 years of data detailing the lobbying activities of thousands of organizations required to file under rules set forth by the Lobbying Disclosure Act of 1995 and the House Honest Leadership and Open Government Act of 2007.

These reports serve as the basis for important public resources that allow investigations by academics, journalists, and Congress itself that contribute to the integrity of policymaking processes.

Annually, these reports list about 11,000 individual lobbyists. We, and others, rely on this data both to populate [OpenSecrets.org](http://OpenSecrets.org), our website, which is a free public resource, as well as to provide custom research assistance to journalists, academics, and scholars, or advocates.

But our core mission is to inform and engage citizens, more than 600,000 of whom visited our site last month and, in the prior month, more than a million visitors. So the public interest in this kind of information and substantial, and that is especially true of information about lobbying.

Unfortunately, the quality of information on Federal lobbying is undermined by the lack of a key ingredient: a publicly available, unique identifier to connect all of the name variations for each individual lobbyist. In fact, our research finds that over the last 20 years, an average of 12 percent of names reported annually are extraneous variations due to typos, nicknames, and name changes.

So CRP researchers invest a lot of work to normalize lobbyist names, to improve data accuracy, and to facilitate tracking their

employment history and political campaign contributions. We reconcile the different versions as well as verify that individuals with similar or common names are, in fact, different people.

Changes to a lobbyist's legal name based on changed marital status are common and present further challenges. Our researchers put a lot of effort into creating and maintaining a version of lobbyist IDs through algorithmic matching as well as human review.

Following each quarterly filing deadline, we spend a full day reconciling all the name variations and changes in associated registrants, delaying the release of an improved data set, all of which would be unnecessary if information already collected were converted into a publicly accessible identifier.

Based on official filing manuals, the Clerk of the House and Secretary of the Senate assign a unique identifier to each lobbyist during the filing process that is used internally to track each person across time and across reports, including registrations and quarterly activity reports for multiple lobbying firms.

However, the downloadable data released to the public does not include these IDs. The Honest Leadership and Open Government Act's revolving door provisions make clear that Congress sees tracking registered lobbyist employment across government and the private sector as essential to monitor for conflicts of interest, which it is.

The Government Accountability Office undertakes an annual review of LDA compliance and recently found that 15 percent of filed reports failed to disclose previous government employment as required.

The ability to easily and accurately identify individuals through their lobbying careers is critical to research and oversight by the press and civil society to fill that gap.

Furthermore, the lobbyists themselves want the information about their activities to be accurate based on the calls we receive from them whenever they are misidentified.

We are not requesting changes to the form that lobbyists use to submit their reports. Again, all lobbyists use the unique ID to sign into the online system to submit their reports. It is available only to them and internally at the Offices of the Clerk of the House and Secretary of the Senate.

We believe it is possible to generate from those private IDs a public-facing unique ID that can be released in XML data files. If the addition of such identifiers is not possible at this time, we request that a study is undertaken to determine the feasibility of doing so in the future.

I appreciate the opportunity to speak today, your work in support of transparency, and for considering the small but important change that will advance transparency and the accuracy of information on Federal lobbying. Thank you.

[The prepared statement follows:]



**Testimony of Sheila Krumholz, Executive Director of the Center for Responsive Politics  
to the House Committee on Appropriations Legislative Branch Subcommittee  
re: Improving Lobbyist Tracking Data**

*April 6, 2018*

Mr. Chairman, and members of the committee, my name is Sheila Krumholz. I am executive director of the Center for Responsive Politics, a nonpartisan, nonprofit research organization based here in Washington that monitors and analyzes campaign contributions in federal elections, lobbying, and other forms of money and elite influence in U.S. politics and policy.

The Clerk of the House and Secretary of the Senate serve as the repositories for over twenty years of data detailing the lobbying activities of thousands of organizations that are required to file under rules set forth by the Lobbying Disclosure Act of 1995 (LDA) and Honest Leadership & Open Government Act of 2007 (HLOGA). These reports serve as the basis for important public resources that allow investigations by academics, journalists and Congress itself that contribute to the integrity of policy making processes.

Annually, these reports list more than 11,000 individual lobbyists as having undertaken significant "lobbying activities."<sup>1</sup> The Center for Responsive Politics (CRP) and others rely on this data both to populate the OpenSecrets.org website, which is free and open to the public, as well as to provide additional research assistance for journalists, nonprofits, academic institutions and interested citizens.

This work includes normalizing individual lobbyist names to facilitate tracking their employment history and political campaign contributions. There is currently no publicly available identifier that makes clear that names reported as "Jane Davis," "Jane A. Davis," and "Jane Ann Davis" all refer to the same individual lobbyist. In fact, our research finds that over the last twenty years, an average of 12 percent of names reported annually are extraneous variations due to typographical errors, nicknames, and name changes. Recent years have been consistently in the eight percent range. Despite this recent improvement, considerable labor is expended reconciling the different versions as well as verifying that individuals with similar or common names are in fact, different

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<sup>1</sup> Lobbying Disclosure Act Guidance, Revised January 31, 2017;  
[https://lobbyingdisclosure.house.gov/amended\\_lda\\_guide.html#section4](https://lobbyingdisclosure.house.gov/amended_lda_guide.html#section4)

people. Changes to a lobbyist's legal name based on changed marital status are common and present further challenges as there is often not an easily accessible way to confirm that "Jane Doe" and "Jane Buck" are, in fact, the same person.

Considerable effort goes toward creating and maintaining a version of lobbyist IDs through algorithmic matching as well as human review. Following a quarterly filing deadline, a full day is spent reconciling variations caused by typos, nicknames, name changes due to marriage and changes in associated registrants, delaying the release of an improved data set.

Based on official filing manuals,<sup>2</sup> the Clerk of the House and Secretary of the Senate assign a unique identifier to each lobbyist during the filing process that is used to track each person across reports (e.g., between LD-1 to LD-2; across various registrants; and in the LD-203 contribution reports). However, publicly released downloadable data does not include unique IDs.

The Honest Leadership & Open Government Act's revolving door provisions make it clear that Congress believes that tracking registered lobbyists' employment across government and the private sector is essential to monitor for conflicts of interest and to protect the integrity of the federal government. The Government Accountability Office (GAO) undertakes an annual review of LDA compliance and recently found that 15 percent of filed reports fail to fully comply with requirements to disclose previous government employment as required.<sup>3</sup> The ability to easily and accurately identify individuals through their lobbying careers is integral to research and oversight by civil society actors that fill that gap.

We respectfully request the addition of unique identifiers for individual lobbyists that are currently available only internally to the offices of the Clerk of the House and Secretary of the Senate to the publicly available data files that are updated daily. If the addition of such identifiers is not possible at this time, we request that a study is undertaken to determine the feasibility of doing so in the future.

Thank you for the opportunity to provide our testimony.

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<sup>2</sup> "Employed lobbyists are assigned a unique ID when they are registered with the House and Senate to lobby and added to the Contribution Reporting System by the person in your organization who manages the registration and reporting filings." – From the LD-203 "Help" manual for filers: <https://lda.congress.gov/LC/help/default.htm?url=WordDocuments%2Faccessingthesystem.htm>

<sup>3</sup> "GAO 2017 Lobbying Disclosure: Observations on Lobbyists' Compliance with Disclosure Requirements," March 2018: <https://www.gao.gov/assets/700/690988.pdf>

**Sheila Krumholz**

EXECUTIVE DIRECTOR, CENTER FOR RESPONSIVE POLITICS

Sheila Krumholz is the executive director of the Center for Responsive Politics, a nonpartisan watchdog group that tracks money in politics. Ms. Krumholz became Executive Director in 2006, prior to which she was CRP's research director for eight years. As research director, she supervised data and analysis published on CRP's website, OpenSecrets.org, and research for investigative journalists and CRP's partners and clients in the media, academia and elsewhere.

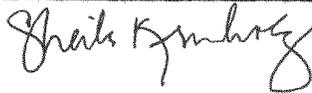
Ms. Krumholz has testified before Congress and the Federal Election Commission on issues related to government transparency and accountability, and is cited frequently in prominent national news outlets. She regularly makes presentations to citizen's groups, scholars, government officials, NGOs that conduct research and advocacy, and at meetings of professional news organizations. She has a degree in international relations and political science from the University of Minnesota.

### 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.

<p>Your Name, Business Address, and Telephone Number:  Sheila Krumholz  1300 L Street NW, Suite 200  Washington, DC 20005  202-354-0114</p>
<p>1. Are you appearing on behalf of yourself or a non-governmental organization?  Please list organization(s) you are representing.  The Center for Responsive Politics</p>
<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 <input type="radio"/> No <input checked="" type="radio"/></p>
<p>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 <input type="radio"/> No <input checked="" type="radio"/></p>
<p>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.</p>

Signature:



Date:

4/6/18

Mr. YODER. Ms. Krumholz, thank you for your testimony, another interesting idea to create greater transparency, and we may have to nickname this committee the Legislative Branch Committee on Transparency here pretty soon. We have got a lot of good ideas.

So just so I understand your proposal: Essentially when a lobbyist would register—when an individual would register as a lobbyist, they would be given a unique identification number. So they would basically have their lobbyist ID number, and then that would be connected with them for all future filings, name changes, variations of names, et cetera. They would be lobbyist, you know, badge number et cetera?

Ms. KRUMHOLZ. They already have an internal badge number, internal unique ID that is private so that they can log in and file their reports, but this would create a mirrored public-facing ID based—generated from that—that need not be secret.

Mr. YODER. Okay. All right.

Mr. Ryan.

Mr. RYAN. Thank you.

Just appreciate everybody's testimony. And I think the chairman and I have—I think, are very committed to the issue of transparency, as you have seen with CRS and all of these other things. So we appreciate you coming here and continuing to give us opportunities to do that. So thank you.

Mr. YODER. Great. Thank you for your testimony.

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TUESDAY, APRIL 17, 2018.

## TECHNOLOGY AND INNOVATION ISSUES

### WITNESSES

**ZACH GRAVES, DIRECTOR OF TECHNOLOGY POLICY, R STREET INSTITUTE**

**TIM LORDAN, EXECUTIVE DIRECTOR, INTERNET EDUCATION FOUNDATION**

Mr. YODER. Okay. Committee, we have our fourth and final panel, and I will now call to the table Mr. Zach Graves and Mr. Tim Lordan.

Welcome to the committee, gentlemen. I would like to go ahead and start with Mr. Graves, Director of Technology Policy at the R Street Institute.

Mr. GRAVES. Chairman Yoder, Ranking Member Ryan, and members of the committee, thank you for considering my testimony today. My name is Zach Graves. I am the director of technology and innovation policy at the R Street Institute, a free market think tank headquartered here in Washington.

At R Street, my team's work focuses on issues such as autonomous vehicles, artificial intelligence, cybersecurity, and telecommunications. Our aim, as we say, is to make the future happen sooner. To accomplish this we hope to encourage policies that maximize the benefits of new innovations while anticipating and mitigating their risks and externalities.

In coming here today, I am hoping to start a discussion about how Congress equips itself with the expert advice and resources

necessary to understand and tackle the growing number of innovation policy challenges that face our country.

In the past several decades, we have seen astounding technological advances that have propelled the global improvements to the human condition and grounded America's leadership in the world's economy.

These advances were made possible because of American ingenuity and because America took a forward-looking approach to establish and, when appropriate, to forebear from creating legal frameworks and regulatory policies that allowed emerging technologies to mature and flourish.

Because of this, American technology companies dominate the roster of most valuable firms in the world, employ millions of U.S. workers, and account for a significant portion of our gross domestic product.

However, the breadth and scope of new technical challenges is increasing faster than ever with such issues as securing the Internet of Things, evaluating renewed calls for extraordinary access to encrypted communications, understanding the labor effects of automation, halting the spread of antibiotic-resistant diseases, regulating driverless cars, or thinking through the implications of machine learning. To name only—unfortunately, however, Congress' internal capacity to tackle the associated technical complexities has not kept pace with these new issues.

Earlier this year, I coauthored a white paper with my colleague Kevin Kosar on the Office of Technology Assessment. I am here to talk about OTA, like Representative Takano was earlier, but from a different perspective, noticing that there is a big red "R" on our logo.

As you may recall, the OTA was an expert legislative support agency that existed inside the legislative branch from 1972 to 1995. Although the Congressional Research Service is also sometimes referred to as Congress' think tank and has many virtues, it has a very different mission from what the former OTA had.

Unlike CRS' focus on producing digestible summaries of existing research and giving responsive advice to Congress, the OTA focused on producing robust original research reports authored by teams of highly credentialed scientists and engineers.

In developing these reports, it also conducted formal consultations with outside stakeholders and industry in academia, similar to how the GAO functions. In this way, the OTA played an important role in shaping how the United States and other countries approach technology issues.

However, falling victim to a political landscape that demanded a symbolic sacrifice, it was defunded in 1995. This landscape emerged from the Contract with America, a platform of the 1994 congressional campaign that helped propel Republicans to a long-sought majority in both Chambers of the 104th Congress.

This platform gave rise to a politically useful but flawed policy idea, namely that of cutting Congress first. This was ultimately achieved with deep cuts to congressional staffing as well as legislative support agencies, including the OTA's entire \$22 million budget.

While the goal of cutting wasteful government spending is an admirable one, abolishing the OTA merely undermined Congress' ability to do its job in exchange for negligible savings. After all, its budget was only a tiny portion of the legislative branch budget, which itself is a tiny fraction of the overall \$4 trillion Federal budget.

In contemplating any savings, one must also consider the trillion-dollar stakes involved in setting technology policy and the high costs of getting it wrong. When it existed, the OTA also helped Congress make cost-saving decisions well in excess of its own budget, as Representative Takano mentioned.

Many conservatives today, for instance, Senator Mike Lee, Representative Jeb Hensarling, and the R Street's own governance project have showed a renewed interest in strengthening the first branch and restoring its proper role and capabilities.

As part of this effort, it is of key importance that Congress must have its own resources to ascertain the facts; otherwise, it is left to take the word of executive agencies, interest groups, and lobbyists. This circumstance is unfavorable to the health of our democracy.

This understanding has informed R Street's interest in reviving Congress' technology assessment arm, whether in the form of OTA or a differently structured entity. Indeed, the OTA's authorizing statute remains in effect, and its funding lies within the jurisdiction of this subcommittee.

It could therefore be revived, practically speaking, simply by including a funding for a pilot in the next legislative appropriations bill. I am not calling for this to happen now. It has been nearly 25 years since the agency existed, and, thus, before jumping in, appropriate consideration must be given to what a successful technology assessment office would look like today. And, admittedly, this may be quite different from what it looked like in 1995.

As we discussed in our paper, there are also a number of general points upon which OTA's structure might be criticized, and there are a number of logistical considerations that also need to be thought through and addressed.

In order to resolve these questions and open further discussion, I respectfully urge the subcommittee to request a study on what would be necessary to reestablish an independent technology assessment function inside the legislative branch.

Such a study could be done by the subcommittee. It could be done through an outside entity, such as the National Academy of Public Administration, which has done technology assessment studies before, or through an ad hoc group of legislative branch and technical experts.

This study could answer key questions about reestablishing a technology assessment function in Congress, such as: What type of in-house experts should the office have? Should the reports be driven by in-house or outside experts? How should it balance deep original analysis with responding to inquiries or other timely requests? How might it be restructured to avoid politicization or bias or the perception thereof? How and to what extent it should engage with outside stakeholders and academia, civil society and industry? Should it be structured as an independent legislative branch agency or housed in another entity like the Library of Congress? Or

should it merely improve and expand upon the existing technology assessment function that exists within the GAO?

In summary, a 21st century Congress needs a 21st century understanding of the world and its policy challenges. Given the limited resources and a fast-paced congressional calendar, congressional offices aren't always able to meet these challenges alone. With your help, we can begin the discussion about how our institutions can modernize and adapt to the demands of our changing times.

Thank you for the opportunity to share these thoughts with you.  
[The prepared statement follows:]

**Zach Graves, Director of Technology and Innovation Policy, the R Street Institute**  
**Testimony before the U.S. House of Representatives,**  
**Committee on Appropriations, Legislative Branch Subcommittee**  
**April 17, 2018**

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

Thank you for considering my testimony. My name is Zach Graves, and I am the Director of Technology and Innovation Policy at the R Street Institute, a free-market think tank headquartered here in Washington. At R Street, my team's work focuses on issues such as autonomous vehicles, artificial intelligence, cybersecurity and telecommunications. Our aim, as we say, is to "make the future happen sooner." To accomplish this, we hope to encourage policies that maximize the benefits of new innovations while anticipating and mitigating their risks and externalities.

In coming here today, I'm hoping to start a discussion about how Congress equips itself with the expert advice and resources necessary to understand and tackle the growing number of innovation policy challenges that face our country.

In the past several decades, we've seen astounding technological advances that have propelled global improvements to the human condition and grounded America's leadership in the world's economy. We have, for example, made Internet access and digital commerce ubiquitous, developed new vaccines and medical innovations and expanded access to smartphones to the point that they are even becoming common in the developing world.<sup>1</sup>

These advances were made possible because of American ingenuity, and because America took a forward-looking approach to establish (and when appropriate, to forbear from creating) legal frameworks and regulatory policies that allowed emerging technologies to mature and flourish.<sup>2</sup> Because of this, American technology companies dominate the roster of most valuable firms in the world, employ millions of U.S. workers<sup>3</sup> and account for a significant portion of the GDP.<sup>4</sup>

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<sup>1</sup> Jacob Poushter, "Smartphone Ownership and Internet Usage Continues to Climb in Emerging Economies," Pew Research Center, Feb. 22, 2016. <http://www.pewglobal.org/2016/02/22/smartphone-ownership-and-internet-usage-continues-to-climb-in-emerging-economies>.

<sup>2</sup> For example, policies such as Section 230 of the Communications Decency Act, the Electronic Communications Privacy Act, the Internet Tax Freedom Act and the Clinton administration's Framework for Global Economic Commerce.

<sup>3</sup> Apple alone is responsible for creating 2,000,000 U.S. jobs. See, e.g., "Two Million U.S. Jobs and Counting," Apple, 2018. <https://www.apple.com/job-creation>.

<sup>4</sup> For instance, a PwC report estimated that in 2015, the consumer technology sector directly accounted for 5.2% of GDP – which rose to 10.3% counting indirect and induced economic activity. See "U.S. Contribution of the Consumer Technology Sector," PricewaterhouseCoopers, LLP, August 2016.

However, the breadth and scope of new technical challenges is increasing faster than ever – with issues such as securing the Internet of Things, evaluating renewed calls for extraordinary access to encrypted communications, understanding the labor effects of automation, halting the spread of antibiotic resistant diseases, regulating driverless cars, or thinking through the implications of machine learning—to name only a few. Unfortunately, however, Congress’ internal capacity to tackle the associated technical complexities has not kept pace.

Earlier this year, I co-authored a white paper with R Street Vice President of Policy Kevin Kosar on the Office of Technology Assessment.<sup>5</sup> As you may recall, the OTA was an expert legislative support agency that existed inside the legislative branch from 1972 to 1995. Although the Congressional Research Service (also sometimes referred to as “Congress’ think tank”) has many virtues, it has a very different mission from that of the former OTA. Unlike CRS’ focus on producing digestible summaries of existing research and giving responsive advice to Congress, the OTA focused on producing robust original research reports authored by teams of highly-credentialed scientists and engineers.<sup>6</sup> In developing these reports, it also conducted formal consultations with outside stakeholders in industry and academia – similar to how the Government Accountability Office currently functions.

In this way, the OTA played an important role in shaping how the United States (and other countries) approached technology issues. However, falling victim to a political landscape that demanded a symbolic sacrifice, it was defunded in 1995. This landscape emerged from the “Contract with America,” a platform from the 1994 congressional campaign that helped propel Republicans to a long-sought majority in both chambers of the 104th Congress. This platform gave rise to a politically useful but flawed policy idea: namely, that of “Cutting Congress First.” This was ultimately achieved with deep cuts to congressional staffing as well as legislative support agencies – including the OTA’s entire \$22 million budget.<sup>7</sup>

While the goal of cutting wasteful government spending is an admirable one, abolishing the OTA merely undermined Congress’ ability to do its job in exchange for negligible savings. After all, its budget was only a tiny portion of the legislative branch budget, which itself is a tiny fraction of the overall \$4 trillion federal budget. In contemplating any savings, one must also consider the trillion-dollar stakes involved

<http://www.cta.tech/cta/media/ResearchImages/U-S-Economic-Contribution-of-the-Consumer-Technology-Sector-2016.pdf>.

<sup>5</sup> Zach Graves and Kevin Kosar, “Bring in the Nerds: Reviving the Office of Technology Assessment,” *R Street Policy Study* No. 128, January 2018. <http://www.rstreet.org/policy-study/bring-in-the-nerds-reviving-the-office-of-technology-assessment>.

<sup>6</sup> See, e.g., Richard Rowberg, “How Did the Reports of OTA, the Congressional Research Service, and the National Academies Differ?,” *LegBranch.com*, Nov. 14, 2016. <http://www.legbranch.com/theblog/2016/11/14/how-did-the-reports-of-ota-the-congressional-research-service-and-the-national-academies-differ>.

<sup>7</sup> \$22 million in 1995 is about \$35 million in 2017 dollars.

in setting technology policy and the high costs of getting it wrong. When it existed, the OTA also helped Congress make cost-saving decisions well in excess of its own budget.<sup>8</sup>

Many conservatives today – such as Senator Mike Lee, Representative Jeb Hensarling, and R Street’s own Governance Project – have shown a renewed interest in strengthening the First Branch and restoring its proper constitutional role and capabilities.<sup>9</sup> As part of this effort, it is of key importance that Congress must have its own resources to ascertain facts. Otherwise, it is left to take the word of executive agencies, interest groups and lobbyists. This circumstance is unfavorable to the health of our democracy.

This understanding has helped inform R Street’s interest in reviving the Congress’s technology assessment arm, whether in the form of the OTA or a differently structured entity. Indeed, the OTA’s authorizing statute remains in effect, and its funding lies within the jurisdiction of this subcommittee. It could, therefore, be revived—practically speaking—simply by including funding for a pilot in the next legislative appropriations bill.

However, I am not calling for this to happen now. It has been nearly 25 years since the agency existed and thus before jumping in, appropriate consideration must be given to what a successful technology assessment office would look like today – and admittedly, this may be quite different from what it looked like in 1995. As we discuss in our paper, there are also general points upon which the OTA’s structure might be criticized. Additionally, there are a number of logistical considerations that need to be addressed.

Thus, in order to resolve these questions and open further discussion, I respectfully urge the subcommittee to request a study on what would be necessary to reestablish an independent technology assessment function inside the legislative branch. Such a study could be done by this subcommittee, through an ad hoc group of legislative branch and technical experts, or through an outside organization such as the Administrative Conference of the United States, the American Association for the Advancement of Science or the National Academy of Public Administration.

The study could answer key questions about reestablishing a congressional technology assessment function, such as:

1. What is the appropriate scope of the office? How should it prioritize economics, engineering, the hard sciences and other academic disciplines?

<sup>8</sup> For example, the OTA’s recommendations helped modernize the Social Security Administration’s IT procurements, which saved taxpayers \$368 million. Additionally, its criticism of the Synthetic Fuels Corporation contributed to billions in taxpayer savings. See, e.g., M. Granger Morgan and Jon M. Peha, *Science and Technology Advice for Congress* (Routledge, 2003), p. 69.

<sup>9</sup> “Article I Project,” Office of Senator Mike Lee, 2016. <https://www.lee.senate.gov/public/index.cfm/article1project>.

2. What is the appropriate time frame to generate reports? How robust should they be?
3. What type of in-house expertise should the office have? Should reports be driven by in-house or outside experts?
4. How should it balance deep original analysis with responding to inquiries or other timely requests?
5. How should it prioritize making its resources available to rank-and-file member offices, in addition to committee staff, chairmen and ranking members?
6. How can it be structured to avoid politicization or bias, or the perception thereof?
7. How and to what extent should it engage with outside stakeholders in academia, civil society and industry?
8. Should it be structured as an independent legislative branch agency or housed within another entity like the Library of Congress? Or, should it merely expand the GAO's current technology assessment functions?<sup>10</sup>
9. Where might it be physically located to allow convenient access for congressional staff?
10. What are the minimum viable budget, personnel, office and equipment requirements for a pilot?

In summary, a 21<sup>st</sup>-century Congress needs a 21<sup>st</sup>-century understanding of the world and its policy challenges. Given limited resources and a fast-paced congressional calendar, congressional offices aren't able to meet these challenges alone. With your help, we can begin a discussion about how our institutions can modernize and adapt to the demands of our changing times.

Thank you for the opportunity to share these thoughts with you.

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<sup>10</sup> Since 2008, the GAO has had a small technology assessment division.

### 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.

<p>Your Name, Business Address, and Telephone Number:          ZACH GRAVES - (202) 733 8976          R STREET INSTITUTE          122 NEW YORK AVE NW WASHINGTON DC 20005</p>
<p>1. Are you appearing on behalf of yourself or a non-governmental organization? Please list organization(s) you are representing.           R STREET INSTITUTE</p>
<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 <input type="radio"/> No <input checked="" type="radio"/></p>
<p>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 <input type="radio"/> No <input checked="" type="radio"/></p>
<p>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.           N/A</p>

Signature:



Date:

4/4/2018

Mr. YODER. Thanks for your testimony. We certainly heard testimony from Mr. Takano as well. And you have raised a number of important questions. You know, certainly there is no reason why we couldn't provide additional information to Congress regarding technology.

And as this continues to advance and change, there is certainly a need, whether, as you point out, going back to exactly what we had before is the answer or some sort of wholly new entity, there is lots of variations.

But I continue to hear yourself and others demonstrate this need, and we will certainly continue to discuss what the best way to move forward is and maybe a study is the proper answer.

Mr. GRAVES. Thank you.

Mr. YODER. Thank you, Mr. Graves.

Okay. Our last witness this morning is Mr. Lordan, executive director of the Internet Education Foundation.

Welcome to the committee, sir.

Mr. LORDAN. Thank you, Chairman. And thank you so much for having me today. I realize that I am probably the only person between you and lunch, so I will try to be as brief as possible, and I am so sorry.

I work for—as you said, I work for the Internet Education Foundation, which is a nonprofit here in the city. We basically do internet policy work and have been doing this since the dawn of the commercial internet for about 21 years or so. We work with the Congressional Internet Caucus on the House and Senate side here.

And we do other educational programs like the Congressional App Challenge. We are the official sponsor of the Congressional App Challenge. And I know that a lot of people know what the app challenge is, and stop me if I am going on, but it is kind of a hard to get your arms around what the congressional app competition—Congressional App Challenge is.

It is an officially sanctioned competition in the U.S. House of Representatives. It is an official project of the House. It was created by a 2013 floor vote on House Resolution 77 that wanted to promote STEM, computer science education for students in America.

I would defer to Ranking Member Ryan, and he has always made impassioned speeches about the importance of technology and STEM and computer science education for the future of America. And we have millions of STEM jobs that need to be filled, and we have no domestic pipeline really to do that.

So there is a massive imperative for programs that inspire youth in America to pursue computer science, coding, STEM, education. Just, it is an existential crisis for America, and, you know, Ranking Member Ryan says it much more eloquently than I will.

But the app challenge is administered by—it was created by the Committee on House Administration Resolution 114. It is actually in the House of Representatives Member handbook. Basically, each Member of Congress can sign up to host a local competition for their students to create an app. If you win, you get to come to Washington and demo the app. We have an event we call House of Code, which was actually last Thursday. And their apps get displayed in a display right around the corner here in the Capitol

Building, right near the artwork. So the artwork is from the Congressional Art Competition, and the display for the apps is from the Congressional App Challenge.

Yeah. And it is really exciting, really important, and it is done by the Committee on House Administration. We have been appointed as the official coordinator because it is a beast. I mean, trying to imagine—this year, in 2017, we had 225 challenges in each district in—each congressional district all across America. Some urban districts, but also many rural districts, like Congressman Ryan's district, Chairman Greg Harper from the Committee on House Administration's district in Mississippi, all over the place.

So they are not like urban centers. They are reaching into—using the strength of the Member office, they are reaching into the districts in America to inspire students. And, frankly, as we saw last week at House of Code, the students are inspiring the Members to be more appreciative of technology, as Zach was arguing.

The problem is that it has grown from 2016 to 2017. It grew like by 129 percent. I mean, the numbers are stunning: 229 Members have signed up to host challenges. The chairs for 2017 were Congresswoman Ros-Lehtinen and Congressman Ryan. He was the chair. So, in a way, I am here because he was so successful at doubling participation.

This project is kind of hard to administer. To have—about 5,000 students participated last year, about 1,250 apps were created by students, and it has just been incredibly difficult to manage that entire process.

The art competition is relatively simple. If we had the art competition—we could do an art competition right now and five students would bring in paintings, and we could say that one. And then the Architect of the Capitol ships it here and hangs it.

The Congressional App Challenge is a massive database issue. It is also reaching into local communities to actually, you know, get the word out to students and teachers so that they can compete. And I would say, you know, the Committee on House Administration, you know, administers this with a memorandum of understanding with the House Ethics Committee. We are appointed every session to do this by the committee, and they could appoint anybody to do it, frankly.

So it is done every year as a separate challenge. Like the 2018 challenge should start in a few weeks. It is separate from the 2017 challenge. And I think, you know, if you look at—I think there is a concern about precedent being set. And Congressman McGovern made a really interesting—and I would echo his comments about the difference between the Lantos Commission and like a caucus or other thing like that.

The Congressional App Challenge isn't a caucus. It isn't a congressional Member organization. It happens every year, every session. It may not—like this is a Congressional App Challenge, right. Apps didn't really exist until, you know, the iPhone was created in 2007 and widely adopted in 2008.

Ten years from now, there may be no such thing as apps. It may be something different. So it is one of those things that has grown very quickly, but it doesn't have this permanence to it. But, you know, I think we all realize the imperative to inspire students to

pursue coding and STEM is really important. And we are hoping that this project can do that.

And as far as like, you know, really important bipartisan efforts and, you know, Congress inspiring their constituents, 49 percent—it was basically 50/50 of Republicans and Democrats participating in the Congressional App Challenge, so it is totally bipartisan.

[The prepared statement follows:]

**Internet  
Education  
Foundation**

740 15th Street, NW  
Suite 900  
Washington,  
District of Columbia, 20005  
[www.neted.org](http://www.neted.org)

Tim Lordan, Executive Director  
Internet Education Foundation  
Testimony Before the House of Representatives  
Legislative Branch Appropriations Subcommittee

April 6, 2018

Chairman Kevin Yoder  
U.S. House of Representatives  
Committee on Appropriations  
Legislative Branch Subcommittee  
H-305, The Capitol  
Washington, DC 20515

Ranking Member Tim Ryan  
U.S. House of Representatives  
Committee on Appropriations  
Legislative Branch Subcommittee  
Washington, DC 20515

Dear Chairman Yoder and Ranking Member Ryan,

I am writing on behalf of the Internet Education Foundation to request that the subcommittee consider funding the Congressional App Challenge, which is an "Officially-Sanctioned Competition" of the House of Representatives.

The Congressional App Challenge (CAC) is a competition designed to inspire students to pursue careers in science, technology, engineering, and math (STEM), and in computer science, through district-wide competitions. Participating Congressional districts challenge their young constituents to program a computer app as part of the competition. The winning apps have been displayed in the U.S. Capitol Building and the winners are invited to Capitol Hill to display their apps for their Representative in Congress.

The Officially-Sanctioned Competition program was created by the Committee on House Administration by the passage of Committee Resolution 114 in October of 2015 by unanimous vote. The Congressional App Challenge was initiated at the bipartisan request of Congressman Bob Goodlatte and Congresswoman Anna G. Eshoo, co-chairs of the Congressional Internet Caucus, a congressional member organization. The CAC is sponsored, according to the rules set out by CR 114, by the Internet Education Foundation (IEF), a 501(c)(3) non-profit organization in Washington, DC.

The CAC has grown enormously since its creation in 2015. The 2017 contest grew by 129% over the 2016 contest. We expect even more growth. The scale of the program is outstripping the capacity to administer it. IEF provides all the materials, support, staffing, and databases needed for Member offices to host successful contests for their constituents. IEF works closely with the Committee on House Administration to execute the CAC every year.

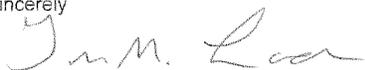
Specifically, we ask the subcommittee to:

- Provide \$400K funding to either the Chief Administrative Officer or Committee on House Administration (CHA) so that it can administrator "Officially-Sanctioned Competitions" and the CAC specifically.

It is well documented that the nation is in critical need of workers to fill STEM and computer science jobs. The CAC is a program designed to inspire a domestic pipeline of skilled workers for the jobs of the innovation economy. Further, it treats every constituent in every Congressional district equally — assuring that every American, regardless of geography, can have a chance to find a good paying job.

Please accept this public witness testimony in support of funding for Officially-Sanctioned Competitions.

Sincerely



Tim Lordan  
Executive Director  
Internet Education Foundation

**Internet  
Education  
Foundation**

740 15th Street, NW  
Suite 900  
Washington, District of Columbia,  
20005  
[www.neted.org](http://www.neted.org)

Bio of Tim Lordan  
Executive Director  
Internet Education Foundation

Tim Lordan is the Executive Director for the Internet Education Foundation (IEF), a non-partisan, non-profit 501(c)(3) organization, dedicated to educating the public and policy makers about the potential of a decentralized global Internet to promote democracy, communications, and commerce.

Mr. Lordan joined IEF in 1999. Under his leadership, the IEF assists the Congressional Internet Caucus Academy in educating Congress about the Internet and related policy issues. Mr. Lordan also founded several projects under IEF including the Congressional App Challenge, the Internet Law & Policy Foundry, and the State of the Net Conference series.

Mr. Lordan is an attorney admitted to the Massachusetts State Bar and is a graduate of Suffolk University Law School.

**Witness Disclosure Form**

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<p>Your Name, Business Address, and Telephone Number: Tim Lordan                  Internet Education Foundation                  740 15th St, NW Suite 900                  Washington, DC 20005 202 905 2568</p>
<p>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 the Internet Education Foundation</p>
<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 <input type="radio"/> No <input checked="" type="radio"/></p>
<p>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 <input type="radio"/> No <input checked="" type="radio"/></p>
<p>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.</p>

Signature:

Date:

Mr. YODER. So, the basis of your proposal, then, Mr. Lordan, is?

Mr. LORDAN. We are seeking funding for the Committee on House Administration to provide staffing, because the thing is doubling like every year.

Mr. YODER. So, right now, they are doing it with internal resources.

Mr. LORDAN. The committee basically does—a lot of the organization is handed off to us. Like, for instance, even the programming for the congressional display, that took us like 50 hours of programming time for our staff.

Mr. YODER. And they are paying you to do this.

Mr. LORDAN. No.

Mr. YODER. So they are doing within your resources.

Mr. LORDAN. Yeah, I go around with a tin cup raising money from the private sector, which isn't as easy as you might think.

Mr. YODER. So your point is the program has grown to such significance that that is sort of a difficult thing to maintain. It really needs its own separate staffing and funding if we want to continue this.

Mr. LORDAN. It is outpacing our ability to manage the program.

Mr. YODER. Well, this is very helpful, and I think one of the themes I think we have seen from most of these witnesses today is the value of technology and how it is changing the things relating to transparency, as well as the modern-day art competition, which is the app challenge. So thank you for that.

Mr. LORDAN. I would say on that: I love art.

Mr. YODER. Apps are art.

Mr. LORDAN. They are. But I don't want to live in a world without art. But we really can't live in a world without coding and computer science and STEM.

Mr. YODER. Thank you for your testimony.

With that, everyone, this will end our hearing work for today. The subcommittee will reconvene tomorrow at 2:30, when it will hear from the Office of Compliance. This is a change from our previous schedule. We are rescheduling our GAO hearing that was scheduled for today at 2:30 until tomorrow at 4:30.

The committee is adjourned. Thank you.

[Testimony for the Record follows:]

**Congresswoman Jacky Rosen (NV-03)**  
Member Day Testimony  
Legislative Branch Subcommittee  
House Appropriations Committee  
April 17, 2018

Chairman Yoder, Ranking Member Ryan, and Members of the Legislative Branch Subcommittee – thank you for the opportunity to testify before you today.

I want to take this opportunity to lay out three critical areas of reform that I hope you will take into consideration as you draft the Fiscal Year 2019 Legislative Branch appropriations bill. These recommendations include:

1. Reigning in Congressional spending on franked mail;
2. Ensuring that Members of Congress do not waste taxpayer dollars on first class flights; and
3. Prohibiting Members of Congress who have been convicted of a felony from collecting a Congressional pension.

As you all know, the franking privilege allows Members of Congress to send mailings to constituents without postage. What many of our constituents do not know, however, is that this privilege is not free, but rather is paid for out of our Members' Representational Allowance using taxpayer dollars. Let me be clear – I recognize that communication with constituents is of the utmost importance and am proud to regularly send my constituents in Nevada updates on my work here in Washington – via e-newsletters, social media, and written responses to their individual inquiries.

Unfortunately, too many Members of Congress here in Washington abuse the franking perk, spending large sums of taxpayer dollars to send out what amount to glossy, self-promotional, campaign-style mass mailers. Some have racked up annual bills of \$100,000 or more, and in one recent case, over a quarter of a million dollars – just on direct mail! With 435 Members of the House and 100 in the Senate, such reckless spending is unacceptable.

That is why I implore this subcommittee to include language in your appropriations bill capping the amount of money Members of Congress may spend on franked mail each year at \$10,000. In an age of widespread electronic

communications, there is no need to spend so much of Americans' hard-earned dollars, especially for what are often transparently political purposes.

Stewardship of taxpayer dollars also means that Members of Congress should not be taking first class flights on their constituents' dime. That is why I am strongly supportive of Congressman Gosar's bipartisan effort to prohibit the use of the Member's Representational Allowance to purchase first class flights, thereby holding ourselves to the same standards we hold Executive Branch officials. It is unacceptable when Cabinet officials waste taxpayer dollars on luxury travel, and it is equally improper when Members of Congress do so.

Like many of you, I fly home to my district almost every week, and I can tell you that the trip takes the same amount of time in coach as I hear it does in first class. Flying coach is one of the many reasons I was able to return \$250,000 of my office budget last year, and while not every Member will hit this mark, our goal should always be to only spend the dollars necessary to work on behalf of our constituents, including when getting from Point A to Point B. That is why taking first class flights off the table just makes sense. This prohibition already exists in the Commerce, Justice, Science appropriations bill and applies to executive branch employees via regulation. It should be included in the Legislative Branch appropriations bill to apply to Members of Congress as well.

Finally, we must ensure that we use taxpayer dollars responsibly when providing retirement benefits to former Members. That is why I was proud to reach across the aisle to work with Congressman Ted Yoho on urging this Subcommittee to explicitly bar Members of Congress from collecting a Congressional pension if they are convicted of a felony. This may seem like common sense, but it is not yet the law. If a Member of Congress, sworn to uphold the law, is convicted of a felony, he or she should not be able to collect a lifetime taxpayer-funded pension in retirement.

Thank you for your thoughtful consideration of these proposals to ensure prudent exercise of our power of the purse. I sincerely appreciate all of your hard work this year as you undertake the task of allocating taxpayer dollars to critical priorities.

Thank you.



Statement of

**Keith Kupferschmid**  
**Chief Executive Officer**  
**Copyright Alliance**

before the

**HOUSE COMMITTEE ON APPROPRIATIONS**  
**Subcommittee on Legislative Branch**

**April 17, 2018**

On behalf of our membership, the Copyright Alliance submits this written statement for the record as an outside witness for Legislative Branch Appropriations for Fiscal Year 2019. A modern and efficient U.S. Copyright Office is critical to a 21st century copyright system. We applaud the Subcommittee's attention toward ensuring that the Copyright Office has the resources it needs to meet the challenges of the future, and we submit these comments to help the Subcommittee continue in this effort.

The Copyright Alliance is a non-profit, non-partisan public interest and educational organization 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. 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.

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 them, 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.

We offer the following points for the Subcommittee’s consideration.

### **Copyright Office Funding in General**

The Copyright Office should continue to be funded through a mix of user fees and appropriations. Appropriations are an important and proper source of funding for both Copyright Office operations and Copyright Office IT 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.

The fees collected by the Copyright Office through its services play a critical role in its funding, but the Office cannot operate under a fully self-funded model. Since copyright registration and recordation are voluntary, any additional costs or barriers serve as a disincentive to participation in the system and result in a less robust public database of copyrighted works and ownership information.

### **Copyright Office Modernization**

The Copyright Alliance fully supports the Office’s modernization efforts and asks for this Subcommittee’s continued support for authorizing appropriations directed toward accomplishing this goal.

Last September, the Copyright Office released a *Modified Provisional IT Modernization Plan*,<sup>1</sup> developed in conjunction with its parent agency the Library of Congress, in response to a request by the House Committee on Appropriations. The report supplements the Office’s 2016 *Provisional IT Plan*,<sup>2</sup> and both reports read together outline a vision for “an innovative and robust technological infrastructure” that will facilitate the Office’s services “in a streamlined, efficient, and cost-effective manner.”<sup>3</sup> Appropriate funding will advance this vision. We thank the Subcommittee for supporting modernization funds in FY18 and ask that this support continues in FY19.

<sup>1</sup> U.S. Copyright Office, *Modified U.S. Copyright Office Provisional IT Modernization Plan* (2017), <https://www.copyright.gov/reports/itplan/modified-modernization-plan.pdf> (Hereinafter *Modified IT Plan*).

<sup>2</sup> U.S. Copyright Office, *Provisional Information Technology Modernization Plan and Cost Analysis* (2016), <https://www.copyright.gov/reports/itplan/technology-report.pdf>.

<sup>3</sup> *Modified IT Plan* at 1.

We want to underscore the absolutely critical role that security plays in the Copyright Office's IT, particularly to prevent unauthorized access to electronic versions of deposit copies that our members provide as part of the copyright registration process and which the Library of Congress acquires through mandatory deposit. These works represent the lifeblood of our members, and it would undermine trust in the voluntary registration process if such works were not adequately protected from security risks. It is essential that the Library maintains a robust and up-to-date security plan and implements necessary security measures as modernization efforts advance.

### **Continued Operation During Shutdowns**

We support a change in the Appropriations language that would allow the Copyright Office to use prior year balances to avoid having to shut down its services during government-wide shutdowns.

Shutting down Copyright Office systems that operate 24 hours a day is disruptive both to the Office and to registrants and other users of the system, and impedes contract enforcement and litigation, as well as increasing examination backlogs. The ability to file a civil action for copyright infringement and the availability of certain legal remedies are tied to the effective date of registration (the date the Copyright Office receives application materials), so anything that disrupts the Office's 24/7 operations disrupts these important business practices.

A brief shutdown during February 2018 was particularly disruptive since it coincided with the effective date of a rule change for group registration of photographs.<sup>4</sup> Because the shutdown required the Copyright Office to close its registration system several days before the effective date, it amounted to a *de facto* early implementation of the rule change, burdening and frustrating photographers who planned to use these additional days not only to register their works under the current rule, but to also better acquaint themselves with the new rule.

### **Shared Services**

Currently the Library of Congress' Office of the Chief Information Officer provides the Copyright Office, along with all other Library service units, with the vast majority of its commodity IT needs under a shared services model. The Copyright Office's *Modified IT Plan* assumes that new or updated shared services may be necessary to realize modernization.

Funding for any new or updated shared services needed for Copyright Office modernization should be provided through the Library of Congress' budget and appropriation. Otherwise, it would amount to a *de facto* diversion of Copyright Office funds, and we ask the Subcommittee to be on guard against such an occurrence.

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<sup>4</sup> Group Registration of Photographs, 83 Fed. Reg. 2542 (Jan. 18, 2018) (to be codified at 37 C.F.R. pts. 201, 202).

**Copyright Office Expertise**

Finally, as in previous years, we ask the Subcommittee to include language in the Committee Report directing the Library of Congress to defer to the copyright expertise of the Register of Copyrights. The Copyright Office is authorized by statute to provide advice on copyright matters to Congress, the Executive Branch, and the Judiciary,<sup>5</sup> and it has the institutional expertise that enables it to fulfill that task to the highest standard.

**Conclusion**

We thank the Subcommittee for its consideration of these points. Please let us know if we can provide additional information or answer any questions regarding our views on this matter.



Keith Kupferschmid  
Chief Executive Officer  
Copyright Alliance

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<sup>5</sup> 17 U.S.C. § 701(b).

### 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.**

<p>Your Name, Business Address, and Telephone Number:</p> <p>Keith Kupferschmid, 1331 H St. NW, Suite 701, WDC 20005, 202-540-2243</p>
<p>1. Are you appearing on behalf of yourself or a non-governmental organization? Please list organization(s) you are representing.</p> <p>Copyright Alliance</p>
<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?</p> <p>Yes <input checked="" type="radio"/> No</p>
<p>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?</p> <p>Yes <input checked="" type="radio"/> No</p>
<p>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.</p>

Signature: 

Date: April 17, 2018



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Legislative Branch Subcommittee  
United States House Committee on Appropriations

April 17, 2017

**Written Testimony of Christian A. Hoehner**  
Director of Policy, Data Coalition

**Subject:** Fiscal Year 2019 Appropriations and Recommendation for Congress to Leverage the DATA Act's USAspending.gov Federal Spending Information Resource

Chairman Yoder, Ranking Member Ryan, and Members of the Legislative Branch Subcommittee, thank you for this opportunity to provide written testimony on behalf of the Data Coalition regarding a recommendation to strengthen the operational capacity and effectiveness of Congress.

The Data Coalition was founded in 2012 to advocate on behalf of the private sector and public interest for the transformation of government information into standardized, open, and machine-readable data. Based in Washington D.C., the Data Coalition represents over forty-five technology and data analytic companies as well as public sector focused consulting and accounting firms. We empower these data companies to make our government more transparent and efficient.

In 2014 Congress unanimously passed the *Digital Accountability and Transparency Act* (DATA Act) (P.L. 113-101) which charged the White House Office of Management and Budget (OMB) and the Department of the U.S. Treasury (Treasury) with the task of transforming government-wide spending information into standardized, searchable open data on a central website.

As of this past month, OMB and Treasury have fully transitioned the USAspending.gov website to reflect a year of DATA Act reported agency spending data for the public and Congress.

**The DATA Act: Value, Function, and Vision**

The DATA Act's unified open data set provides a comprehensive map of all of the executive branch's expenditure accounts, their balances, and funds available to be spent. Such information had never before been publicly-available in an electronic form. The data set also



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connects every account with the contract and grant awards that it funds. Before the DATA Act's mandate, this connection between accounting and award data did not systematically exist.<sup>1</sup>

In May of 2017, nearly every CFO Act agency began reporting its spending to Treasury using this data format (beginning with FY 2017-Q2). Now, as required by law, agencies are reporting, and Treasury is publishing, a unified open data set of executive-branch spending on a quarterly basis. By December 2018, the data set should reflect all of FY 2018, its first complete fiscal year using a consistent data structure.<sup>2</sup>

Over ninety federal agencies are actively reporting across 1,660 federal accounts.

This spending information is centrally defined by Treasury's *DATA Act Information Model Schema* (DAIMS).<sup>3</sup> The DAIMS is a government-wide standardized collection of 400 interconnected data elements together representing the relational data structure by which all federal agencies must now map their financial account systems and award reporting.

And this is merely the beginning.<sup>4</sup> For instance Treasury has built a number of visualization tools in their *Data Lab* to demonstrate how the DAIMS enables a browsable government account structure or can visually represent how the purpose of spending (*Budget Function*) relates to the actual spending mechanism (*Object Class*).<sup>5</sup> Furthermore, Treasury's Strategic Plan sets a goal to expand the DAIMS to cover other "administrative data and link more domains...to support decision-making and provide metrics for evaluating program performance and outcomes".<sup>6</sup> And agencies are also seeing financial management benefits of agency-wide financial viewpoints enabled by a unified data set.<sup>7</sup>

<sup>1</sup> Landefeld, Frank, Jamie Yachera, and Hudson Hollister. The DATA Act: Vision & Value. MorganFranklin Consulting. Data Foundation. July 2016. <http://www.datafoundation.org/data-act-vision-and-value-report/>. See Section III "How Does the DATA Act Work?"

<sup>2</sup> By May 2018, USAspending.gov will reflect a full consecutive years' worth of federal spending; the latter three quarters of FY 2017 and the first one of FY 2018.

<sup>3</sup> "DATA Act Information Model Schema V1.2." Federal Spending Transparency Collaboration Space. December 22, 2017. <https://fedspendingtransparency.github.io/data-model/>.

<sup>4</sup> Mader, Dave, Tasha Austin, Christina Canavan, Dean Ritz, and Matt Rumsey. DATA Act 2022: Changing Technology, Changing Culture. Deloitte. Data Foundation. May 2017. <http://www.datafoundation.org/data-act-2022/>. See "Realizing the Vision" for seven Cultural and Technical DATA Act recommendations.

<sup>5</sup> Data Coalition. "Treasury Launches Data Lab on Revamped USAspending.gov." News release, April 5, 2018. DataCoalition.org. <https://www.datacoalition.org/press-releases/treasury-launches-data-lab-on-revamped-usaspending.gov/>.

<sup>6</sup> Department of the Treasury. Strategic Plan 2018-2022. [https://www.treasury.gov/about/budget-performance/strategic-plan/Documents/2018-2022\\_Treasury\\_Strategic\\_Plan\\_web.pdf](https://www.treasury.gov/about/budget-performance/strategic-plan/Documents/2018-2022_Treasury_Strategic_Plan_web.pdf).

<sup>7</sup> Landefeld. Vision & Value. See Section IV "Who Benefits From the DATA Act?" for a full discussion.



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In short, the DATA Act is the start to realizing a full life-cycle picture of the U.S. Government's financial information.<sup>8</sup>

#### USAspending.gov and Congress: Real-time Insights, Better-Informed Decisions

The real value of the DATA Act as a resource for government-wide spending information is in how it can be both publicly accessed via USAspending.gov through intuitive visualizations or complete bulk data downloads<sup>9</sup> and automated APIs<sup>10</sup> for technically advanced users.

For example, the USAspending.gov data provides sufficient information, in a readily-available electronic form, for software applications to empower the following tasks, instantly:

- Identify the particular agency accounts funded by a Congressional appropriation, select the contract and grant awards paid out of those accounts, and map the geographic impact of those awards by state, zip-code, and potentially Congressional district;
- Identify all of the agency expenditure accounts funding a federal grantmaking program, and assess the impact of future appropriations decisions on that program;
- Identify and track all of the unobligated balances across government, within a particular agency, or within a particular appropriations subcommittee jurisdiction, and reconcile this with approved spending allocations and supplemental budget requests;
- Make more informed appropriations decisions by comparing the annual budget request to current Fiscal Year government-wide agency account balances and spending activity;
- Tag spending to particular programmatic missions, track these resources over time, and pair with additional data sets to assess programmatic performance;
- Autonomously monitor the impact of federal spending activity on a geographic region;
- Access consistent and accurate data to inform Congressionally commissioned government reform and deficit reduction decision-making bodies.

However, to derive such conclusions requires in-depth analysis and parsing of the bulk data and the raw agency data submissions<sup>11</sup>, where the real value and insights exist. This is often beyond the technical capabilities and time resources of Congressional staff who more often possess deep expertise in specific policy issue areas and disciplines like public administration, law, or business.

<sup>8</sup> Using the DATA Act to Restore the Power of the Purse, 114th Cong. (2016) (testimony of Hudson Hollister, Executive Director, Data Coalition). <https://oversight.house.gov/wp-content/uploads/2016/12/2016-12-01-DATA-Hollister-Testimony.pdf>.

<sup>9</sup> "How to Access the USAspending.gov Amazon RDS Snapshot." USAspending.gov Database on AWS. Accessed April 16, 2018. <https://aws.amazon.com/public-datasets/usaspending/>.

<sup>10</sup> "The USAspending Application Programming Interface (API)." USAspending.gov. <https://api.usaspending.gov/>.

<sup>11</sup> "FilesDirectory Listing for Raw Financial Assistance Files / Raw Quarterly DATA Act Files." USAspending.gov Agency Submission Files. Accessed April 16, 2018. <http://usaspending-submissions.s3-website-us-gov-west-1.amazonaws.com/>.



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#### **Recommendation: Provision a Congressional Facing DATA Act Information System**

Congress should fund a project to provision a Congressional facing *DATA Act Information System*. Such a platform would pull USAspending.gov's bulk data and make it readily accessible for the unique budget, appropriations, and executive branch oversight workflows of Congressional staff.

Specifically, this software-based platform could provide Congressional staff with a financial performance and accountability dashboard that organizes spending by budget function, maps the impact of spending to Congressional districts and Committee jurisdictions, includes information on known data quality issues and limitations, and links other federal open data sets for performance analysis. Congressional staff could also track specific agency accounts and programs through a tailored dashboard equipped with custom alerts, report building functionality, and interactive data visualizations.

The implementation of the DATA Act's USAspending.gov represents a significant Congressional investment. The Congressional Budget Office originally estimated \$300 million in associated implementation costs from FY 2014-2018 (though we estimate actual implementation costs were ultimately much lower).<sup>12</sup> For instance, more than \$30.7 million in dedicated funds were appropriated in FY 2016.<sup>13</sup>

It is imperative that the Congress also invest in the necessary systems to embed this new national information resource into its own workflow as it fulfills its Constitutionally mandated Article 1 duties.

In FY 2017 alone, the U.S. government spent \$3.981 trillion (all outlays). Comparatively, the entire Legislative Branch spent \$3.791 billion.<sup>14</sup> Put another way, the Legislative Branch comprises approximately 0.01% of all spending, or only 0.32% of federally appropriated funds (discretionary spending). Congress, is not currently equipped to properly exercise its Constitutional duties to oversee the expenditure of the public's tax dollars.

Additionally, data-driven oversight leads to savings. When the Recovery Accountability and Transparency Board (Recovery Board) adopted a standardized data structure for the *American Recovery and Reinvestment Act of 2009* (Recovery Act) (i.e., stimulus spending) they also built

<sup>12</sup> S. Rep. No. 113-139 (2014). <https://www.congress.gov/113/crpt/srpt139/CRPT-113srpt139.pdf>. See page 12.

<sup>13</sup> DATA Act Implementation Check-in, 114th Cong. (2016) (testimony of David Mader Controller, Office of Management and Budget). <https://oversight.house.gov/wp-content/uploads/2016/04/2016-04-19-Mader-OMB-Testimony.pdf>. See Appendix B for a summary chart of DATA Act implementation Congressional appropriations.

<sup>14</sup> United States. Executive Office of the President. Office of Management and Budget. President's FY 2019 Budget. Accessed April 16, 2018. <https://www.whitehouse.gov/omb/supplemental-materials/>. See "Supplemental Materials", "Public Budget Database", "Outlays CSV" for FY 2017 Mandatory and Discretionary spending charts.



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an information system, the Recovery Operations Center (ROC), similar to our proposal here. This enabled them to analyze stimulus spending with inspectors general also utilizing that system to start investigations. This led the Recovery Board to claim the recovery or savings of over \$157 million, far in excess of the system's original cost.<sup>15</sup>

**Conclusion: Data-Driven Decision Making for Congress**

Congress needs to utilize this information resource to enhance the way it conducts the day-to-day work of executive branch oversight, budget formation, appropriation funding, programmatic authorizations, and constituent relations work. Otherwise the country risks the DATA Act's legal mandate becoming yet another federal compliance exercise.

By fully leveraging USAspending.gov's consistent and reliable spending data, Congress will enhance its ability to fully understand how federal taxpayer funds are ultimately used. And in turn, make better, data-driven decisions on behalf of the public.

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<sup>15</sup> Landefeld. Vision & Value. See Section II "What is the DATA Act?" for Recovery Board savings references.



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#### Biography

**Christian A. Hoehner**  
Director of Policy, Data Coalition

Christian Hoehner leads the Data Coalition's legislative and executive branch advocacy efforts. He is responsible for engaging Congress and agencies to encourage reforms that transform government information from disconnected documents into standardized and open data. To that end, he maintains the Coalition's policy agenda, coordinates advocacy among the Coalition's over forty-five members, and manages campaigns to enact and implement landmark legislation to bring open data to federal financial management, information management, financial services regulation, legislative workflow, grants administration, and many other operational areas.

Christian most recently spent five years with Van Scoyoc Associates, an independent government affairs firm, where he worked with the university, research and development, technology contractor, and municipal client base. Christian earned his Bachelor of Arts in US Government and Sociology at the University of Virginia (U.Va.) in 2009 and is currently a 2018 candidate for a Master of Science in the Management of Information Technology from the U.Va. McIntire School of Commerce.

### 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.

<p>Your Name, Business Address, and Telephone Number:  <i>Christian A. Hoehner - (434) 466-6053</i>  <i>1003 K Street, NW, Suite 200</i>  <i>Washington, D.C. 20001</i></p>
<p>1. Are you appearing on behalf of yourself or a non-governmental organization? Please list organization(s) you are representing.  <i>Data Coalition</i></p>
<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 <input type="radio"/> No <input checked="" type="radio"/></p>
<p>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 <input type="radio"/> No <input checked="" type="radio"/></p>
<p>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.</p>

Signature:



Date:

*04/17/18*

**Testimony of Kathi Kromer**

**Associate Executive Director of the American Library Association**

**On Funding for the Library of Congress and Government Publishing Office**

**Before the House Appropriations Subcommittee on the Legislative Branch**

**Public Witness Hearing**

**April 17, 2018**

On behalf of the American Library Association, thank you for the opportunity to submit this testimony regarding Legislative Branch Appropriations for Fiscal Year (FY) 2019. We write in support of the budget requests of the Library of Congress and the Government Publishing Office, which provide valuable national services that benefit libraries and the public nationwide.

**Library of Congress**

The Library of Congress provides an array of services to Congress, libraries, and the American public. The Library of Congress is the largest library in the world, with millions of items in its collections. Through its ongoing work to acquire, organize, provide access to, and preserve these collections, the Library of Congress supports research, learning, and innovation nationwide.

The vital services of the Library of Congress include, for instance, the National Library Service for the Blind and Physically Handicapped, a free national library program that provides braille and recorded materials to people who cannot see regular print or handle print materials. This national program includes a network of regional libraries, such as the Kansas Talking Books Regional Library and the Ohio Library for the Blind and Physically Disabled, which provide services to users in those communities.

We also note our support for the ongoing modernization efforts at the Copyright Office, which has been working collaboratively with the Library of Congress's Office of the Chief Information Officer. While currently, most Copyright Office records are in paper formats, the office intends to make copyright records available online, which will make it easier for libraries to help users ascertain the rightsholder status of works.

In addition, we are grateful that the FY 2018 appropriations law will require public access to nonconfidential reports by the Congressional Research Service, which for the first time will allow libraries nationwide to provide authentic copies of these useful reports to the public.

**Government Publishing Office**

The Government Publishing Office (GPO) also provides important services to the public and America's libraries. GPO's online repository of government information and the public information programs of

GPO's Superintendent of Documents provide essential information to America's businesses, legal system, researchers, and the general public.

These programs include the Federal Depository Library Program (FDLP), a collaboration between the federal government and more than 1,100 participating libraries. These libraries, such as the Johnson County Library in Overland Park, Kansas, and the Public Library of Youngstown and Mahoning County in Youngstown, Ohio, help the public access federal information.

While libraries value the FDLP, participating libraries incur significant unfunded costs in order to provide services to the public. We encourage the Subcommittee to request that GPO study the creation of a grant-making program to support Federal Depository Libraries in providing permanent public access to federal information.<sup>1</sup>

**Conclusion**

Thank you for the opportunity to testify before the Subcommittee in support of the FY 2019 requests of the Library of Congress and the Government Publishing Office. We ask for the Subcommittee's support in meeting the requests for these important national programs that serve Congress, libraries, and the American public.

Sincerely,



Kathi Kromer  
Associate Executive Director, Washington Office

Enclosure

*Established in 1876, the American Library Association is a non-profit 501(c)(3) organization created to provide leadership in the transformation and the development, promotion, and improvement of library and information services as well as the profession of librarianship in order to enhance learning and ensure access to information for all.*

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<sup>1</sup> For additional information about this suggestion, please refer to the enclosed letter from the American Library Association, Association of Research Libraries, American Association of Law Libraries, and Chief Officers of State Library Agencies, dated April 6, 2018.



April 6, 2018

The Honorable Kevin Yoder  
Subcommittee on Legislative Branch Appropriations  
U.S. House of Representatives

The Honorable James Lankford  
Subcommittee on Legislative Branch Appropriations  
U.S. Senate

Dear Chairman Yoder and Chairman Lankford,

On behalf of the American Library Association, the Association of Research Libraries, the American Association of Law Libraries, and the Chief Officers of State Library Agencies, we write to ask for your continued support for the Federal Depository Library Program (FDLP) and other Public Information Programs of the Superintendent of Documents within the Government Publishing Office (GPO). In particular, we ask for your support for a study by GPO of grant-making to Federal Depository Libraries.

The FDLP is a decades-long collaboration between libraries and the federal government to ensure that members of the public have effective and long-term access to government information. Although libraries value the FDLP, participating libraries incur significant unfunded costs in order to provide services to the public under the program. These unfunded costs have led to a net decline in the number of Federal Depository Libraries of 18 percent since 1988, reducing the public's access to this vital program.

In recognition of this challenge, in testimony before the Committee on House Administration in July 2017, then-Director of GPO Davita Vance-Cooks suggested that Congress consider giving GPO the authority to make grants to Federal Depository Libraries. We believe this idea is worthy of further exploration. Therefore, we ask the Subcommittee to request that GPO study the creation of a grant-making program to support the services of Federal Depository Libraries in providing permanent public access to federal information. In doing so, we also urge the Subcommittee to encourage GPO to coordinate with the Institute of Museum and Library Services and to consult with stakeholders, including the Depository Library Council and library associations, about how such a program might be administered.

Our associations appreciate the Subcommittee's support of the FDLP. We look forward to continuing to work with the Subcommittee to ensure this program carries out its important mission of providing the American public with transparency and access to government information. Thank you for your consideration.

Sincerely,

Gavin R. Baker, Assistant Director of Government Relations  
American Library Association

Prudence S. Adler, Associate Executive Director  
Association of Research Libraries

Emily Feltren, Director of Government Relations  
American Association of Law Libraries

Timothy Cherubini, Executive Director  
Chief Officers of State Library Agencies

cc: The Honorable Tim Ryan, Ranking Member, House Subcommittee on Legislative Branch Appropriations  
The Honorable Chris Murphy, Ranking Member, Senate Subcommittee on Legislative Branch Appropriations

Kathi Kromer is the Associate Executive Director of the Washington Office for the American Library Association. As an advocate for libraries and librarians in the Washington community, Kathi leads a team of public policy experts to develop and implement strategies which advance the mission of ALA and increases the visibility of the organization.

Prior to joining ALA, Kathi was with The Amyotrophic Lateral Sclerosis (ALS) Association for 11 years where she was their Vice President, Strategy and Outreach. While with The ALS Association, Kathi created and executed public policy and outreach strategy for ALS, with the goals of raising awareness, improving the lives of people with ALS, advancing ALS research, increasing organizational and government funding, and creating strategic partnerships. She has more than 20 years' experience working with Congress as well as with state governments.

Kathi has a Master of Arts, International Commerce and Policy from George Mason University, Fairfax, Virginia, and a Bachelor of Arts, History and Political Science from University of Pittsburgh, Johnstown, 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.

<p>Your Name, Business Address, and Telephone Number:</p> <p>Kathi Krumer          1615 New Hampshire Ave NW, 1st Floor, Washington, DC 20009          (202) 628-2410</p>
<p>1. Are you appearing on behalf of yourself or a non-governmental organization? Please list organization(s) you are representing.</p> <p>American Library Association</p>
<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?</p> <p>Yes <input type="radio"/> No <input checked="" type="radio"/></p>
<p>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?</p> <p>Yes <input type="radio"/> No <input checked="" type="radio"/></p>
<p>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.</p>

Signature:

Kathi Krumer

Date:

4-11-18



April 13, 2018

The Honorable Kevin Yoder  
 Chairman  
 House Appropriations Subcommittee  
 on the Legislative Branch  
 Washington, D.C. 20515

The Honorable Tim Ryan  
 Ranking Member  
 House Appropriations Subcommittee  
 on the Legislative Branch  
 Washington, D.C. 20515

The Honorable Steve Daines  
 Chairman  
 Senate Appropriations Subcommittee  
 on the Legislative Branch  
 Washington, D.C. 20510

The Honorable Chris Murphy  
 Ranking Member  
 Senate Appropriations Subcommittee  
 on the Legislative Branch  
 Washington, D.C. 20510

Dear Chairman Yoder, Chairman Daines, Ranking Member Ryan, and Ranking Member Murphy:

Democracy Fund Voice is a nonpartisan organization established by eBay founder Pierre Omidyar to help America build a stronger, healthier democracy. Effective governance in Washington and our state capitals is absolutely critical to this mission, and we regularly support efforts to ensure that elected leaders have the tools and resources they need to best deliberate, negotiate, and serve the American people.

**We urge you, as the Chairs and Ranking Members of the House and Senate Appropriations Subcommittees on the Legislative Branch, to include adequate resources in the Fiscal Year 2019 Legislative Branch appropriations bill to allow Congress to fulfill its critical constitutional responsibilities.**

A healthy democracy requires a Legislative Branch that is able to carry out its responsibilities and earn the trust of the American people. By the powers granted to it through Article One of the Constitution, the United States Congress is the world's most powerful legislature. Yet in recent years, "Congress is broken" has become a too-common refrain from voices inside and outside of the institution. We believe this is, at least in part, because Members of Congress have forfeited a significant amount of their power through chronic underfunding of the resources and people

required for the institution to represent the American people effectively. When Congress has inadequate internal resources, it relies more on outside special interests—and this dynamic further reduces the public’s trust in its decisions.

As you surely know, the Legislative Branch spends only *one tenth of one percent* of all federal discretionary spending on itself. Appropriations for the legislative functions of government have remained flat for more than a decade.<sup>1</sup> This pattern is unsustainable if Congress wishes to cease delegating legislative functions to bureaucratic rulemaking in the Executive Branch. **To adequately oversee the 180 agencies of the Executive Branch and restore its status as the first branch of government, Congress must dedicate more resources to itself.** This includes office budgets, staff salaries, legislative support agencies such as the Congressional Research Service (CRS) and Congressional Budget Office (CBO), technology intended to make constituent service more efficient and effective, and the cybersecurity of networks within the Legislative Branch.

The effects of stagnant funding levels for congressional offices have been particularly acute on the staff who power the institution. House Member and committee offices have hundreds fewer staff at their disposal to develop legislation and serve constituent needs than they had in the 1990s. Senate committee employment, meanwhile, has declined roughly 10 percent from 2005 to 2015.<sup>2</sup> Yet with each Member of the House on average representing about 200,000 more constituents and each Senator on average representing 1.6 million more constituents than they did 30 years ago, staff have greater demands than ever before.<sup>3</sup> CRS also has found that the average salaries for staff have declined by thousands of dollars in recent decades,<sup>4</sup> pushing many out the door and reducing the average tenure of staff to just a few years.<sup>5</sup>

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<sup>1</sup> “Vital Statistics on Congress,” Table 5-10, Brookings Institution, September 7, 2017, accessed April 9, 2018. Available at: [www.brookings.edu/multi-chapter-report/vital-statistics-on-congress/](http://www.brookings.edu/multi-chapter-report/vital-statistics-on-congress/).

<sup>2</sup> “Vital Statistics on Congress,” Table 5-1, Brookings Institution, September 7, 2017, accessed April 9, 2018. Available at: [www.brookings.edu/multi-chapter-report/vital-statistics-on-congress/](http://www.brookings.edu/multi-chapter-report/vital-statistics-on-congress/).

<sup>3</sup> Curtlyn Kramer, “Vital Stats: Congress Has a Staffing Problem, Too,” Brookings Institution, May 24, 2017, accessed April 9, 2018. Available at: [www.brookings.edu/blog/fixgov/2017/05/24/vital-stats-congress-has-a-staffing-problem-too/](http://www.brookings.edu/blog/fixgov/2017/05/24/vital-stats-congress-has-a-staffing-problem-too/).

<sup>4</sup> Molly Reynolds, “The Decline in Congressional Capacity,” Brookings Institution, February 23, 2018 (citing multiple CRS reports).

<sup>5</sup> Eric R. Petersen and Sarah Eckman, “Staff Tenure in Selected Positions in Senate Committees, 2006-2016,” Congressional Research Service, November 9, 2016, accessed April 12, 2018. Available at: <https://fas.org/sgp/crs/misc/R44685.pdf>.

Many observers have suggested that Congress' struggle to hire and retain staff may be directly undermining its ability to fulfill its promised legislative agenda.<sup>6</sup> One study of congressional employment data from the 108th to 113th Congress found that "Members with more experienced staff produce more bills and more important legislation, and see their legislation progress further in the policymaking process."<sup>7</sup> Yet according to a recent Congressional Management Foundation survey, only 11 percent of staff feel "very satisfied" that their chamber has the adequate staff capacity, research capability, and infrastructure to perform its role in democracy.<sup>8</sup>

Other effects of inadequate funding also are well documented. As a result of deep cuts over the years, today the House of Representatives holds nearly 50 percent fewer hearings than it did in 1995.<sup>9</sup> Legislative support agencies have faced significant staff decreases in the past 35 years, with CRS operating at 72 percent of the staff capacity it had in the late 1970s and the Government Accountability Office (GAO) even lower, at 56 percent.<sup>10</sup>

As its resources are diminished, Congress starves itself of the diversity,<sup>11</sup> experience, and expertise so vital to successful constituent representation and policy formation. With less internal capacity to master complex issues and formulate legislative proposals, congressional staff more often turn to lobbyists (often former staff who have left the Hill for more lucrative positions) outside of the institution for help.<sup>12</sup> Declining office capacity, therefore, increases Congress'

<sup>6</sup> Joe Williams, "Staff Departures Undermine GOP Legislative Agenda," *Roll Call*, June 19, 2017, accessed April 9, 2018. Available at: [www.rollcall.com/news/policy/staff-departures-undermine-gop-legislative-agenda](http://www.rollcall.com/news/policy/staff-departures-undermine-gop-legislative-agenda).

<sup>7</sup> Joshua M. McCrain, 2017, "Congressional Staff and Effective Legislating in the House of Representatives," Conference Paper, Annual Meetings of the Southern Political Science Association, 2018, New Orleans, LA. Available at: [http://joshuamccrain.com/McCrain\\_Staff\\_Paper.pdf](http://joshuamccrain.com/McCrain_Staff_Paper.pdf).

<sup>8</sup> Kathy Goldschmidt, "State of the Congress: Staff Perspectives on Institutional Capacity in the House and Senate," Congressional Management Foundation, August 8, 2017, accessed April 9, 2018. Available at: <http://www.congressfoundation.org/projects/resilient-democracy-coalition/state-of-the-congress/>.

<sup>9</sup> Kevin R. Kosar, "Restoring Congress as the First Branch," R Street Policy Study No. S0, 2016, accessed April 9, 2018. Available at: [www.rstreet.org/wp-content/uploads/2016/01/RSTREET50.pdf](http://www.rstreet.org/wp-content/uploads/2016/01/RSTREET50.pdf).

<sup>10</sup> Curtlynn Kramer, "Vital Stats: Congress Has a Staffing Problem, Too," Brookings Institution, May 24, 2017, accessed April 9, 2018. Available at: [www.brookings.edu/blog/fixgov/2017/05/24/vital-stats-congress-has-a-staffing-problem-too/](http://www.brookings.edu/blog/fixgov/2017/05/24/vital-stats-congress-has-a-staffing-problem-too/).

<sup>11</sup> "Racial Diversity Among Top Senate Staff," Joint Center for Political and Economic Studies, December 15, 2015, accessed April 9, 2018. Available at: [jointcenter.org/research/racial-diversity-among-top-senate-staff](http://jointcenter.org/research/racial-diversity-among-top-senate-staff).

<sup>12</sup> Lee Drutman and Steven Teles, "Why Congress Relies on Lobbyists Instead of Thinking for Itself," *The Atlantic*, March 10, 2015, accessed April 9, 2018. Available at: [www.theatlantic.com/politics/archive/2015/03/when-congress-cant-think-for-itself-it-turns-to-lobbyists/387295/](http://www.theatlantic.com/politics/archive/2015/03/when-congress-cant-think-for-itself-it-turns-to-lobbyists/387295/).

reliance on outside interests in the policy formation process. As a result, the Congress' capacity to function as a deliberative body and to represent the will of ordinary citizens is further weakened—and this intensifies the cycle of public dissatisfaction with congressional performance.

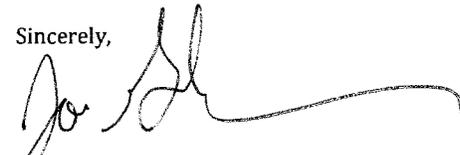
Lastly, Congress is operating with decades-old technology. This not only hampers its ability to function effectively and be responsive to constituents; it also impedes achievement of greater efficiencies by the staff who remain. Perhaps most importantly, Congress needs essential 21st century cybersecurity measures. At a time when data breaches are in the headlines daily, Congress should take steps to ensure that its own information, as well as the personal information of constituents on whose behalf congressional offices work, is protected.

Democracy Fund Voice established its Governance Program to be an ally of Congress. Democracy Fund Voice staff collectively have decades of experience on both sides of the aisle working in Congress. We believe deeply in the primary role of the Legislative Branch in our federal system. A Congress that lacks the ability to make informed and independent policy decisions and to function as a check and balance, as the framers of the Constitution intended, undermines the public's trust. **We believe more resources are necessary across the Legislative Branch to rebuild public trust in the institution and, ultimately, in our democracy.**

At Democracy Fund Voice and our sister organization, Democracy Fund, we support dedicated and resourceful nonprofits that train congressional staff in legislative procedure, educate Members and staff on complex policy issues, strengthen committee staff's ability to perform rigorous oversight of Executive Branch agencies, and develop solutions to office communications and technology challenges. We are proud to support this work, but it can only go so far in improving the institution from the outside. Ultimately, Congress must provide itself with the resources it needs.

We believe leaders in Washington can rise above their differences and find common ground to address the greatest challenges facing our country. We look forward to supporting your efforts to ensure that Congress has the resources it needs to do so.

Sincerely,



Joe Goldman, President  
Democracy Fund Voice

**democracy  
fund VOICE****JOE GOLDMAN**

President, Democracy Fund Voice  
jgoldman@democracyfundvoice.org

Joe is the President of Democracy Fund Voice. He is also the President of Democracy Fund, a bipartisan foundation working to ensure that our political system is able to withstand new challenges and deliver on its promise to the American people. Previously, Joe was an Investment Director at Omidyar Network, where he incubated the Democracy Fund for three years.

Joe has spent his career working to strengthen democratic institutions through public deliberation and policy reform. Previously, Joe was Vice President of Citizen Engagement at AmericaSpeaks, where he directed and facilitated large-scale public deliberations across the country, including the Unified New Orleans Planning Process after Hurricane Katrina and the redevelopment of the World Trade Center site after 9/11. Joe has written extensively about the theory and practice of deliberative democracy and spoken about the value of public deliberation in venues around the world.

Joe has also engaged the public from inside government. He managed Mayor Anthony Williams' Neighborhood Action initiative in Washington, D.C., which engaged thousands of residents in shaping the city's budget priorities. Neighborhood Action was named Program of the Year by the International Association of Public Participation. Joe also managed the Northeastern Illinois Planning Commission's Common Ground regional planning process in Chicago, which later received the Outstanding Planning Award from the American Planning Association for its innovative use of technology and broad community outreach.

Joe was a Public Service Fellow at Harvard University's John F. Kennedy School of Government, where he received a master's degree in public policy. He graduated with honors in political science from Vassar College.

**DEMOCRACY FUND VOICE**

democracyfundvoice.org

Democracy Fund Voice is a nonpartisan organization established in 2014 to conduct and support advocacy that will produce a stronger, healthier democracy in the United States. Democracy Fund Voice, a 501(c)(4) nonprofit organization, is a sister organization to the Democracy Fund, a private foundation that fosters the highest ideals of the American republic—government of, by, and for the people.

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1200 17<sup>th</sup> Street NW, Suite 300  
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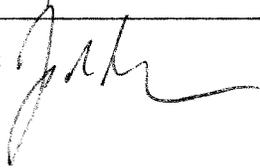
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W [democracyfundvoice.org](http://democracyfundvoice.org)

### 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:	
Joe Goldman President, Democracy Fund Voice	1200 17th Street, NW Suite 300 Washington, DC 20036 (202) 420-7900
1. Are you appearing on behalf of yourself or a non-governmental organization? Please list organization(s) you are representing.  On behalf of Democracy Fund Voice	
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 <input type="radio"/> No <input checked="" type="radio"/>	
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 <input type="radio"/> No <input checked="" type="radio"/>	
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.  N/A	

Signature:

*N/A*  


Date:

*4/16/18*

WEDNESDAY, APRIL 18, 2018.

**OFFICE OF COMPLIANCE**

**WITNESS**

**SUSAN TSUI GRUNDMANN**

Mr. YODER. The subcommittee will come to order. Thank you everybody for attending this hearing on the Office of Compliance. This is our fifth hearing, hearing in the last week or so as we work on our fiscal year 2019 appropriations legislation. And so we appreciate Ms. Grundmann coming to attend the hearing today. I don't believe we had a hearing with you last year. It is my first year chairing the committee so we are thankful that you are here this year. I know from time to time you are brought in for hearings and sometimes you aren't. So we are glad you are here and we appreciate your work.

Ms. Grundmann is the Executive Director of the Office of Compliance, established by the Congressional Accountability Act of 1995. The Office of Compliance is tasked with dispute resolution, safety and health compliance, labor management relations, and educational offerings across the legislative branch. Over the past year the office has received much attention as the House has debated how best to ensure employing authorities, including Members of Congress, are held accountable for employee rights that are violated under their watch, as well as making sure employees know, and understand their rights, and have access to a dispute resolution process that is fair, easy to navigate and is not layered in burdensome bureaucracy. The House has taken action in three ways, to address workplace harassment. We passed House Resolution 630, which makes in-person workplace rights training required for all Members and employees, we passed House Resolution 724, which established an Office of Employee Advocacy, with the mission of providing legal assistance to House employee's regarding Congressional Accountability Act procedures. And finally, the House passed Comprehensive Congressional Accountability Act reform that continues to be debated in the Senate.

The implementation of the two past House Resolutions has been the responsibility of the House Chief Administrative Officer because they are house specific and not legislative branch wide. However, it has required close coordination with the Office of Compliance and will certainly have an impact on their operations moving forward. With all the attention the Office of Compliance received over the last year their profile certainly by raised. They have seen a triple digit percentage increase in request for training both in person and online, in addition to increased service requests across the board. Also worth mentioning is as a result of the fiscal year 2018 omnibus, the Office of Compliance's jurisdiction has been ex-

panded to include claims submitted by employees of the Library of Congress. This expanded jurisdiction I believe is a good thing, but will likely result in an increase to the Office of Compliance annual caseload. With all that being said, the revised budget request for fiscal year 2019 operations is \$5,410,089, which represents a 9 percent increase from enacted levels.

Thank you for joining us today. And now I am going to yield to my good friend from Ohio, Mr. Tim Ryan.

Mr. RYAN. Thank you, Mr. Chairman, I appreciate it and I appreciate this hearing. In my opinion, this hearing is going to be one of the most important we will have this year in this committee. And the discussion we will have today couldn't be more timely.

Across the country, industries and organizations are reckoning with the dark reality of workplace harassment, especially sexual harassment. It has become abundantly clear that Congress is no exception to that. And the elected officials here in Washington are being called to lead and we must answer that call. How can we expect others to follow our example if we are not willing to fully acknowledge the problem and take concrete steps to address it. It was my pleasure with the chairman to support the resolution that mandates required training for all Members, House employees and interns. And I look forward to learning more today about how this training will be implemented.

The Office of Compliance plays an essential role for the employees of this institution in advancing workplace rights, safety, health, and accessibility.

Today this hearing will shine a light on the upcoming efforts by the OOC to make this historic institution a safer place to work. And every man or woman who wants to work for the United States Congress should feel comfortable and safe coming to work. No person should show up to work in the Halls of Congress, their government, and be forced to worry that it will be a toxic work environment where they will be harassed or assaulted.

I will close by thanking the staff in the OOC for carrying out this mission and for testifying here today. And I look forward to working with you in the upcoming year to make all of this, and our goals here, a reality.

So thank you for being here with us.

Mr. Chairman I yield back.

Mr. YODER. Thank you, Mr. Ryan.

Ms. Grundmann, your complete statement will be made part of the record. Feel free to summarize your remarks at this time and I now recognize you for your opening remarks.

Ms. GRUNDMANN. Thank you very much.

#### OPENING STATEMENT

And good afternoon, Chairman Yoder, Ranking Member Ryan, and distinguished members of the Legislative Branch Appropriations Subcommittee. On behalf of the Office of Compliance it is our honor and privilege to have this opportunity to discuss our fiscal year 2019 budget with you.

We thank the subcommittee and the staff Jenny, Tim, and Adam over there and everybody else. We thank you for your support in reinforcing our statutory mission, which as you both note is both

broad and diverse, that is to ensure the health and safety and public accessibility of the legislative community, to provide a dispute resolution process for covered employees in our jurisdiction, and to inform and educate this community and the public about the rights and protections under the CAA.

The members of this committee have led by example. You have led by as you know passing landmark legislation, mandating in-person workplace rights training and protection for every Member of Congress, both paid and unpaid staff with new hires receiving the same training within 90 days. You demonstrate that you hold yourselves to a higher standard as the elected leaders of our Nation.

What a year it has been at the OOC, from a little known office this time last year to the focal point mandating accountability through reform. During the past 5 months our tiny staff has been tested, weighed and found not to be wanting. Since October our staff personally trained over 15,000 employees in the House and Senate alone and not all at once but in ones and twos and tens. Training to prevent sexual harassment discrimination retaliation is now mandatory in the Halls of Congress. And our posters notifying employees of rights are now prominently displayed in every office in the House of Representatives.

But training is the floor and training is only a means to an end. And that end being a change in our culture whereby we have strong principles of collegial respect in the workplace and where problems are prevented before they occur. In order to meet that goal and to meet our statutory goal to educate, we require your continued support for funding and for staffing the positions to take on this challenge.

We no longer live in a world where it suffices to train on the legal meaning of the letter of the law. In order for true change to occur and for us to honor the spirit of the law, we must educate on the behaviors, biases, and practices that could lead to harassment, discrimination, and retaliation, that could create a hostile work environment.

So we must continually update the tools of our training, and methods of delivery to keep education fresh, relevant and real. This is our constant challenge, to update what we have developed and to create new tools to engage our legislative colleagues. And to meet this occasion we currently have everybody training on staff, our ADR staff to our safety inspectors, to our attorneys and our general counsel's office and it is still not enough, because our daily work continues.

Biannual inspections of almost 18 million square feet of the Capitol complex, responding to concerns of hazards and public accessibility. Counseling of legislative employees, mediations and hearings which as the chairman notes will now markedly increase as a result of the Library coming under our jurisdiction.

We welcome the Library to our dispute resolution process knowing full well that our caseload will only increase, thus increasing costs and the need for more personnel. Mr. Chairman, Ranking Member Ryan, we are grateful for the funding we received in 2018. And even given our limited resources, we still think we do an amazing job. Inspections are now complete in the House and we

continue to enjoy a 100 percent affirmance rate by our reviewing court for our board decisions. All our successes are documented in our annual report which was released on Friday. Copies are available to you.

However, as we continue to reach out we realized just how much more we need to do, such as to bring our case processing system into the 21st century by bringing e-filing to OOC, as mandated by the CAA Reform Act that passed the House in February. Now whether or not we see full CAA reform at the end of Congress is yet to be seen. Pending funding, we intend to and hope to move forward with this measure.

As always, our budget's mission consists almost entirely of funding for people, not things. The 20 women and men who report faithfully each day to work are a testament to our commitment to excellence and efficiency. Having weathered our most challenging chapter in our history, we now move forward with you, knowing that your support has been crucial to our continued success.

Thank you for the privilege of your attention. I look forward to answering your questions.

[The prepared and amended statements follow:]

**Statement of**  
**Susan Tsui Grundmann, Executive Director**  
**Congressional Office of Compliance**  
**Before the Subcommittee on the Legislative Branch,**  
**Committee on Appropriations, United States House of Representatives**  
**Fiscal Year 2019 Budget Request**  
**April 18, 2018**

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Mr. 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) 2019 for the Congressional Office of Compliance (OOC). I want to express our appreciation to this Subcommittee for its continued support of the OOC and its mission of advancing workplace rights, safety, health, and accessibility for employees in the legislative branch and members of the public who visit the nation's capital.

The OOC was established by the 1995 Congressional Accountability Act (CAA). It is responsible for enforcing the protections of the CAA for the covered community of employing offices and approximately 30,000 employees in the legislative branch. With 22 FTE positions inclusive of a part-time Board of Directors, the OOC serves the same functions as multiple agencies in the executive branch, including the Equal Employment Opportunity Commission, the Occupational Safety and Health Administration, and the Federal Labor Relations Authority, among others. The OOC administers the alternative dispute resolution (ADR) system established by the CAA to resolve workplace disputes; it carries out a program of education respecting the laws made applicable to employing offices of the legislative branch by virtue of the CAA and to inform individuals of their rights under those laws; and it advises Congress on needed changes and amendments to the CAA. Furthermore, the OOC General Counsel (OCGC) is responsible for inspecting all facilities in the legislative branch for Occupational Safety and Health (OSH) violations and for inspecting the public areas of all facilities in the legislative branch for compliance with Titles II and III of the Americans with Disabilities Act (ADA). The OCGC is also responsible for investigating alleged violations of the OSH Act, the ADA, and the Federal Service Labor Management Relations Statute (FSLMRS), and for filing and prosecuting complaints of OSH, ADA and FSLMRS violations. As a small agency with no redundant staff, the OOC also regularly contracts for the part-time services of other individuals such as mediators, hearing officers, and safety and health inspectors.

In the OOC FY 2019 budget justification, which was submitted before House passage of the CAA Reform Act in February 2018 and the FY 2018 Omnibus in March 2018, the OOC requested \$4,552,757 for FY 2019 operations. This represented a 15% increase from the FY 2018 enacted level, and is necessary for the Office's mandated operations, including hearings, mediations, safety and health inspections, unfair labor practice investigations, and ADA inspections. The FY 2019 budget request focuses on supporting the OOC's statutory mandates and improving the delivery of services to the covered community. It also reflects the OOC's immediate need to meet the rapidly increasing demand for it to provide education and training to Members, their staffs, and other legislative branch employees, including developing additional Learning Management System training modules.

Of the additional \$593,757, more than 87% reflects a projected increase in personnel, benefits, and other personnel compensation. Most of the increase will fund new FTE positions, which would boost the Office's staffing from 22 to 27, including one FTE for the five-member part-time Board of Directors. The additional FTEs will be devoted to developing and delivering in-person training across the legislative branch. The remainder of the requested increase would pay for increases in contract services, including cross-servicing providers, such as the Library of Congress and the National Finance Center, and other services, equipment, and supplies needed to operate the OOC.

The OOC requested a total of \$450,000 remain available until September 30, 2020, for the services of essential contractors, including hearing officers, mediators, and safety and health inspectors.

#### Alternative Dispute Resolution Program

The CAA establishes an ADR process that provides employing offices and covered employees a neutral, efficient, and cost-effective means of resolving workplace disputes through counseling, mediation, administrative hearings, and appeals to the OOC Board of Directors. We strive to ensure that stakeholders have full access to these ADR procedures. The OOC has no case processing backlog, and it enjoys a 100% affirmance rate by the U.S. Court of Appeals for the Federal Circuit. The OOC continues to do more with less, maintaining a flat rate of pay for contract mediators, a standardized hourly fee for hearing officers, and rate limitations for other outside service providers.

The OOC requested a total of \$160,000 for non-personnel services for FY 2019 for its ADR program. By its very nature, it is difficult to predict the number of cases that will be filed with the OOC's ADR program in any given year, or to predict the complexity or duration of administrative proceedings. As a result of the FY 2018 Omnibus, however, the OOC's jurisdiction has been expanded to include claims submitted by employees of the Library of Congress alleging employment discrimination or harassment, as well as claims alleging violations of the Family and Medical Leave Act (FMLA), the Fair Labor Standards Act, and the public services and accommodation provisions of the ADA. With the addition of the Library of Congress, the OOC anticipates an increase in the numbers

of employees requesting counseling, mediation sessions, and hearings with the OOC, resulting in a marked increase in our annual caseload.

In FY 2016, we began the process of replacing our outdated case handling system with a new and more comprehensive case management system. The Office issued amended Procedural Rules in FY 2017, which, among other things, permitted parties to file documents electronically. The Office intends to further enhance its case processing capabilities by obtaining a fully electronic filing system that will ensure ease of filing, enhance workflow, and maintain the security of the confidential information submitted by the parties. Our FY 2019 budget request also contains funds that are necessary to create and maintain such an e-filing system. This functionality will not only provide for more streamlined service delivery to the congressional community, but also facilitate timelier dispute resolution, resulting in cost savings in the long term.

#### Education and Training Programs

The OOC is also responsible for carrying out a program to educate and inform Members of Congress, employing offices, and legislative branch employees of their rights and responsibilities under employment laws made applicable to them through the CAA. We have been given the monumental task of educating tens of thousands of congressional employees about the workplace rights that apply to them, including Title VII of the Civil Rights Act of 1964, which covers harassment and discrimination. We provide in-person and online training that addresses both discrimination and retaliation, and that also provides clear guidance for employees on how to report sexual harassment and discrimination when it occurs. Through our education and outreach efforts, the Office is laying the foundation to build a strong culture of collegial respect in the legislative branch, which lessens the likelihood that unlawful discrimination or harassment will occur.

Currently, there is a critical need for training for legislative branch employees and employing offices. Demand for training skyrocketed toward the end of FY 2017 and at the beginning of FY 2018. In a 6-week period following the passage of House Resolution 630 and Senate Resolution 330, the OOC saw a triple-digit percentage increase in the number of requests for in-person anti-sexual harassment training; a triple-digit percentage spike in the number of staffers enrolling in online training modules; twice as many visits to the OOC's online information about sexual harassment; and a 12-percent surge in the number of people subscribing to OOC social media platforms to receive updates on rights and responsibilities designed to protect workers against sexual harassment. OOC staff members have also delivered in-person and video-conference training sessions to over 1,500 staff members of the House and Senate since mid-October 2017. These sessions include training on bystander intervention and preventing sexual harassment, and they also provide information about the OOC and other CAA workplace rights. In the past few months, the Office has also been approached by staff associations,

offices, committees, and other organizations in the legislative branch requesting our education and outreach services.

The OOC also continues to expand its online presence to reach legislative branch employees throughout the country who do not work on the Capitol Hill campus. Our website, [www.compliance.gov](http://www.compliance.gov), was redesigned to include interactive surveys on safety and health issues and publications for new employees. A third training module on the FMLA was uploaded to the Learning Management System to assist employees and supervisors in navigating this important statute. Moreover, an online training module introducing the OOC was uploaded in November 2017 that serves as an orientation overview for new employees on the responsibilities of the Office and their rights under the CAA.

The OOC is requesting a total of \$150,000 for non-personnel services for FY 2019 for its Education and Training Programs, and it is also requesting five additional FTEs as educators and administrative support to respond to employing offices' needs for training on workplace rights. Currently, there is no FTE solely dedicated to instructing the entire legislative branch, and current OOC educators provide in-person training as one of many duties of their positions, which also include internal communications, government affairs, litigation, and public relations.

#### Safety and Health and Public Access

The OOC is requesting a total of \$291,600 for non-personnel services for FY 2019 for its Occupational Safety and Health and ADA public access inspection programs. Before the OOC opened its doors in 1996, Capitol Hill buildings had not been subject to even the most basic building codes or regulations. The first inspections led to the discovery of serious fire and other safety hazards in House and Senate buildings and around the Capitol. As a result of OOC inspections, Congress has abated thousands of serious hazards, reduced numerous barriers to access for individuals with disabilities, and dramatically improved the overall safety and accessibility of the Capitol Hill campus. The OOC has been instrumental in the development and implementation of cost-effective solutions to safety and access problems by working directly with the Architect of the Capitol and other offices on the Hill. It is during these inspections that our inspectors, who include some of the best specialists in the area, can work directly with employing offices, providing technical support at the point where assistance is needed. Our budget request will allow us to continue to provide the level of expertise and assistance that the community deserves.

The balance of the 15% increase requested covers increases in contract services, including those furnished by cross-service providers, such as the Library of Congress and the National Finance Center, and other services, equipment and supplies needed to operate the OOC. These services include training development and video production, as well as technical support for the ever-growing social media environment on the Hill,

which presents an opportunity to highlight best practices and provide important information to employees.

Additional Services

Thank you very much for providing us with this opportunity to brief you on our FY 2019 budget request. As the Executive Director of the OOC, I am proud of the work that our highly professional and talented staff members perform every day. We are available to answer any questions or to address any concerns that the Chair of the Subcommittee or its Members may have.

Susan Tsui Grundmann  
Executive Director

**Amended Statement of**  
**Susan Tsui Grundmann, Executive Director**  
**Congressional Office of Compliance**  
**Before the Subcommittee on the Legislative Branch,**  
**Committee on Appropriations, United States House of Representatives**  
**Fiscal Year 2019 Budget Request**  
**April 18, 2018**

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The OOC requests \$5,410,089 for FY 2019 operations. This represents a \$451,089, or 9%, increase from the FY 2018 enacted level, and is the amount necessary for the Office's mandated operations, including hearings, mediations, safety and health inspections, unfair labor practice investigations, and ADA inspections. The FY 2019 budget request focuses on supporting the OOC's statutory mandates and improving the delivery of services to the covered community. It also reflects the OOC's immediate need to meet the rapidly increasing demand for it to provide education and training to Members, their staffs, and other legislative branch employees, including developing additional Learning Management System training modules.

The OOC requests five additional FTE positions, and the funding to support them, which would boost the Office's staffing from 23 to 28. Approximately 80% of this request reflects a projected increase in personnel, benefits, and other personnel compensation. The additional FTEs will be devoted to developing and delivering in-person training across the legislative branch and providing administrative support to the office, support the Office's Occupational Safety and Health and ADA public access inspection programs, and assist the Deputy Executive Director in his capacity as solicitor to the Board. The remainder of the requested funds would pay for increases in contract services, including cross-servicing providers, such as the Library of Congress and the National Finance Center, and other services, equipment, and supplies needed to operate the OOC.

In its FY 2019 request, the OOC also requests a total of \$550,000 remain available until September 30, 2020, for the services of essential contractors, including hearing officers, mediators, and safety and health inspectors.

#### Alternative Dispute Resolution Program

The CAA establishes an ADR process that provides employing offices and covered employees a neutral, efficient, and cost-effective means of resolving workplace disputes through counseling, mediation, administrative hearings, and appeals to the OOC Board of Directors. We strive to ensure that stakeholders have full access to these ADR procedures. The OOC enjoys a 100% affirmance rate by the U.S. Court of Appeals for the Federal Circuit. The OOC maintains a flat rate of pay for contract mediators, a standardized hourly fee for hearing officers, and rate limitations for other outside service providers.

The OOC requests a total of \$275,000 for non-personnel services for FY 2019 for its ADR program. This is an increase of \$85,000 over the FY 2018 enacted level. By its very nature, it is difficult to predict the number of cases that will be filed with the OOC's ADR program in any given year, or to predict the complexity or duration of administrative proceedings. As a result of the FY 2018 Omnibus, however, the OOC's jurisdiction has been expanded to include claims submitted by employees of the Library of Congress alleging employment discrimination or harassment, as well as claims alleging violations of the Family and Medical Leave Act (FMLA), the Fair Labor

Standards Act, and the public services and accommodation provisions of the ADA. With the addition of the Library of Congress, the OOC anticipates an increase in the numbers of employees requesting counseling, mediation sessions, and hearings with the OOC, resulting in a marked increase in our annual caseload.

In FY 2016, the Office began the process of replacing our outdated case handling system with a new and more comprehensive case management system. The Office issued amended Procedural Rules in FY 2017, which, among other things, permitted parties to file documents electronically. In this request, the OOC is seeking funds to create a fully electronic filing system that will ensure ease of filing, enhance workflow, and maintain the security of the confidential information submitted by the parties. This functionality will not only provide for more streamlined service delivery to the congressional community, but also facilitate timelier dispute resolution, resulting in cost savings in the long term. The Office also received funding to address its cybersecurity needs in the FY 2018 Omnibus. In FY 2019, the OOC will continue to improve its cybersecurity and requests \$200,000 for recurring costs associated with its planned cybersecurity and electronic filing systems.

#### Education and Training Programs

The OOC is also responsible for carrying out a program to educate and inform Members of Congress, employing offices, and legislative branch employees of their rights and responsibilities under employment laws made applicable to them through the CAA. The Office has been given the monumental task of educating tens of thousands of congressional employees about the workplace rights that apply to them, including Title VII of the Civil Rights Act of 1964, which covers harassment and discrimination. The Office provides in-person and online training that addresses both discrimination and retaliation, and that also provides clear guidance for employees on how to report sexual harassment and discrimination when it occurs. Through our education and outreach efforts, the Office is laying the foundation to build a strong culture of collegial respect in the legislative branch, which lessens the likelihood that unlawful discrimination or harassment will occur.

Currently, there is a critical need for training for legislative branch employees and employing offices. Demand for training skyrocketed toward the end of FY 2017 and at the beginning of FY 2018. In a 6-week period following the passage of House Resolution 630 and Senate Resolution 330, the OOC saw a triple-digit percentage increase in the number of requests for in-person anti-sexual harassment training; a triple-digit percentage spike in the number of staffers enrolling in online training modules; twice as many visits to the OOC's online information about sexual harassment; and a 12-percent surge in the number of people subscribing to OOC social media platforms to receive updates on rights and responsibilities designed to protect workers against sexual harassment. OOC staff members have also delivered in-person and video-conference training sessions to over 1,500 staff members of the House and Senate since mid-October

2017. These sessions include training on bystander intervention and preventing sexual harassment, and they also provide information about the OOC and other CAA workplace rights. In the past few months, the Office has also been approached by staff associations, offices, committees, and other organizations in the legislative branch requesting our education and outreach services.

The OOC also continues to expand its online presence to reach legislative branch employees throughout the country who do not work on the Capitol Hill campus. Our website, [www.compliance.gov](http://www.compliance.gov), was redesigned to include interactive surveys on safety and health issues and publications for new employees. A third training module on the FMLA was uploaded to the Learning Management System to assist employees and supervisors in navigating this important statute. Moreover, an online training module introducing the OOC was uploaded in November 2017 that serves as an orientation overview for new employees on the responsibilities of the Office and their rights under the CAA.

In FY 2019, OOC is requesting a total of \$176,000, \$16,000 more than FY 2018 level, for non-personnel services for its Education and Outreach Program, and it is also requesting three of the five additional FTEs as educators and administrative support to respond to employing offices' needs for training on workplace rights. Currently, there is no FTE solely dedicated to instructing the entire legislative branch, and current OOC educators provide in-person training as one of many duties of their positions, which also include internal communications, government affairs, litigation, and public relations.

#### Safety and Health and Public Access

The OOC is requesting a total of \$277,651 for non-personnel services for FY 2019 for its Occupational Safety and Health and ADA public access inspection programs, a slight increase of \$1,551 from FY 2018, and an additional FTE to support its functions. Before the OOC opened its doors in 1996, Capitol Hill buildings had not been subject to even the most basic building codes or regulations. The first inspections led to the discovery of serious fire and other safety hazards in House and Senate buildings and around the Capitol. As a result of OOC inspections, Congress has abated thousands of serious hazards, reduced numerous barriers to access for individuals with disabilities, and dramatically improved the overall safety and accessibility of the Capitol Hill campus. The OOC has been instrumental in the development and implementation of cost-effective solutions to safety and access problems by working directly with the Architect of the Capitol and other offices on the Hill. It is during these inspections that our inspectors, who include some of the best specialists in the area, can work directly with employing offices, providing technical support at the point where assistance is needed. Our budget request will allow us to continue to provide the level of expertise and assistance that the community deserves.

Additional Services

The remaining funds requested in the OOC's FY 2019 request covers increases in contract services, including those furnished by cross-service providers, such as the Library of Congress and the National Finance Center, and other services, equipment and supplies needed to operate the OOC. These services include training development and video production, as well as technical support for the ever-growing social media environment on the Hill, which presents an opportunity to highlight best practices and provide important information to employees.

Thank you very much for providing us with this opportunity to brief you on our FY 2019 budget request. As the Executive Director of the OOC, I am proud of the work that our highly professional and talented staff members perform every day. We are available to answer any questions or to address any concerns that the Chair of the Subcommittee or its Members may have.

Susan Tsui Grundmann  
Executive Director

## WORKPLACE CLIMATE

Mr. YODER. Thank you for your testimony, Ms. Grundmann. Again, welcome to the committee and we appreciate all of your hard work.

At the beginning of my comments I mentioned and as did Mr. Ryan a number of the acts that Congress has taken already in this 115th Congress to take steps to curb workplace harassment, things like mandatory training, employee advocacy office, proposed process changes at the OOC. Those are things that are needed. But I guess a couple of questions for you.

What are our biggest impediments within your office to being able to resolve and help with complaints, is it any structural issues? Is it mostly resources? I know you have asked for a 9 percent increase. What will that allow you to do? Sort of discuss how we can best help you do your job, first and foremost.

And then second of all, what are other solutions that Congress should be looking at in general that maybe we haven't pursued legislatively yet that we should be?

Ms. GRUNDMANN. Sure. There are a number of things. Our main need is people. The statutory mission is broad, it is purposeful, it has all sorts of different kinds of aspects to it, but our current issue is we have one person performing four to five functions and that is part of our FTE request. We have—we have trained these hundreds and hundreds of people over the last 4 or 5 months with two people who currently perform other jobs. We don't have a single person dedicated solely to training.

So in terms of our request for FTE, we are looking for five to be allocated in the following fashion. We would like two dedicated to education, one specifically dedicated to the website. We don't have anybody solely dedicated to the website. And the website is an important tool because this is how we reach the staffers in your home districts, in the State and district offices. There are 15,000 people in the field, that is half of the legislative community.

The second FTE we want to dedicate to have that sole person to not only develop and to update the training, but to deliver in-person training on demand. Two other FTE, and this will give you a sense of how our staffing works. We are asking for two attorneys, one specifically dedicated to the board's function. Currently as we are staffed we have one individual who not only researches and writes the decisions for the board, advises the board, writes procedural regulations, assists the general counsel in reviewing his briefs and preparing him for hearings, and serves as legislative counsel. So this one individual is performing four to five different functions.

In addition, our general counsel needs more support. We are seeing an increased amount of litigation in the Federal circuit and those types of cases are more complex, they do take longer to prepare.

Finally, the last FTE we would ask be dedicated to something as simple as administrative support. As we are currently staffed, we have one administrative assistant supporting the entire office and the five board members who are scattered throughout the country. So FTE is very important for us.

In terms of changes that we saw through the Reform Act, we as we testified before the committee on House Administration, a number of those changes were incorporated and adopted in the Reform Act that passed the House. We are very encouraged by that. We will have to see what happens in the Senate.

Our staff has been put in an enviable position of chasing proposals, because we are never sure which proposal will come through, which is why you have seen our budget change over the many iterations over the last few months. Clearly if the legislation passes at the end of this year through the Senate, then there are other things we will have to come back for, particularly funding and staffing for the investigatory authority and funding for the climate survey, which is under the CAA reform format.

#### TRAINING

Mr. YODER. Mr. Ryan.

Mr. RYAN. Thank you, Mr. Chairman.

We all received notice recently about attending harassment training sessions, whether in Washington, D.C. Or throughout the country. And my office and I received our training last year, which was very well received in our office. However, to do a similar type of training this year, the office-only sessions would cost offices \$4,275, can you explain to us the cost breakdown for that?

Ms. GRUNDMANN. That is not us. It was decided by CHA that the primary training function would be undertaken by a private contractor and that does not—we do not qualify for certification purposes. Let me note that the training that will be provided specifically only covers the House, it doesn't cover the Senate or the other legislative offices.

In addition, the training that will be provided to your office for certification purposes only covers one aspect of the law. The CAA covers 19 different laws that will generally I am assuming not be included. Furthermore, even though we don't qualify for certification purposes under 630, and I know your office attended our session, Members still continually reach out to us to conduct personal training. And the training that we conduct is specialized, it will be by standard and invention training, unconscious biases coming online in May. Those are the types of training that blend themselves easily to in-person training in small groups in the ones, in the twos, in the tens, not a room full of 500 people.

So as Members still continue to reach out to us, some Members have actually asked us to travel to the district and home offices to train their staff. We don't like to say no. But the travel is not reimbursable by the Member's office because there could be a conflict of interest so we pay for that ourselves, so that you see some additional funding allocated in our 2019 request towards travel. Right.

We are very proud of what we do. We have not seen what the contractor is going to do. Certainly we will be there to assist this contractor should he so request, but feel free to continue to reach out to us. I mean, we are doing some very cutting edge things. We have new technology in our training, which is interactive. Let me also emphasize the importance of having the small setting, so students, people who are attendees can engage the educator in ques-

tion in how to handle a troublesome scenario. And we develop those. We also customize our training for individual offices.

So if you have a particular interest or particular questions you want to ask in your office we can build them into our presentation.

## TRAVEL

Mr. RYAN. Of the budget request this year, how much of that is for travel?

Ms. GRUNDMANN. I can't recall, but it was an additional—it was only a few thousand dollars.

Mr. RYAN. Okay. I yield back.

## WORKPLACE RIGHTS POSTER

Mr. YODER. Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chair.

You mentioned in your testimony a poster that every office would have received dealing with sexual harassment. I have never seen the poster. I just conferred with my staff, my LD, and everybody else. No one else has seen this poster. Can you tell me when this poster was delivered? And are other Members familiar with this poster? Maybe my office didn't get it slipped underneath the door. Here is a copy of it.

Ms. GRUNDMANN. We can get one to you.

Ms. MCCOLLUM. Well, no, I asked you when they were delivered? Do you know when they were sent out so I can figure out what happened in my office?

Ms. GRUNDMANN. We have had a number of people actually come to us. We have also gone around and delivered them. If we missed you, we can get one to you.

Ms. MCCOLLUM. We will make that happen.

## I.T. NEEDS

Can you explain the website person? And if you have that person writing programming, that person just maintaining the websites what are going to be the duties and roles and function of the person doing the website?

Ms. GRUNDMANN. We currently have a contractor handling the website, but it is not a full-time position. The individual would be updating each module annually along with creating new content—you can't keep the same thing on a website all the time, it gets boring. So we do have revolving content. There are modules that are being created right now that will be—we have the bystander—we have new antisexual harassment, discrimination and retaliation module that was loaded in January.

Ms. MCCOLLUM. So right now you have a contractor who is doing that part-time and that is going to be a full-time, plus a part-time contractor, or is that part-time contractor going to be full-time?

Ms. GRUNDMANN. If there is a technical expertise I think we would reach out to the contractor, but I think in terms of the content alone, that is the time consuming part of our project.

Ms. MCCOLLUM. So you are—I am not—I just want to understand. I am not disputing what you are putting forward in your vision. So you would keep the part-time contractor for when you

needed something very technical done and so the person who would be doing the Web would just be doing McCollum content. It would be more of the sense of a communications person, a writer.

Ms. GRUNDMANN. Yes, yes.

#### ATTORNEY NEED

Ms. MCCOLLUM. Okay. So I hear what you are saying about your attorneys being overstretched, putting another attorney on. What would be—so what is going to be the cost of putting another attorney on in the office?

Ms. GRUNDMANN. Depends on how we set the pay and benefits. I believe our calculation was with the benefits and the pay about \$200,000 per person.

Ms. MCCOLLUM. \$200,000 times two. And currently you have one.

Ms. GRUNDMANN. We have one attorney dedicated solely to the board, but he is doing other functions.

Ms. MCCOLLUM. Well, I can certainly appreciate it because my staff is overstretched and we haven't seen except for security any raises or anything going in to our staff in that.

#### LIBRARY OF CONGRESS COSTS

Under the Library of Congress coming in, so you are just absorbing that cost? You are not doing a charge back to the Library of Congress?

Ms. GRUNDMANN. You can't.

Ms. MCCOLLUM. You can't.

Ms. GRUNDMANN. We can't. Let me explain what is going on.

Ms. MCCOLLUM. No, no, that is fine. That is the answer in and of itself. So the Library of Congress will have that as less of an expense in their budget because they won't be doing that in-house anymore at all?

Ms. GRUNDMANN. Let us have this conversation. This is important to understand. Just to be clear, the Library's internal process does not go away. It is still available to employees. Nor does the Library's collective bargaining agreements that they have with their unions. There is an arbitration proceeding that that still stays in place. What the omnibus does is it brings Library employees into our process only for only certain types of claims. Claims associated with discrimination, Fair Labor Standards Act cases and Family and Medical Leave Act cases.

Ms. MCCOLLUM. I see that. So how many full-time equivalents is going to be doing that?

Ms. GRUNDMANN. Well, the hearing offices in the media it is our contractors for us. We are not bringing on somebody full-time for them. But just anecdotally in having a conversation with the Library, they take in about 50 to 60 cases a year with five cases going to an administrative hearing. We currently take in 50 to 60 cases with five cases going to admin—

Ms. MCCOLLUM. You are able to kind of budget it a little bit?

Ms. GRUNDMANN. Well, we have asked for 2-year money just to expand or contract so we need to go into the next year money we can.

## ADA INSPECTIONS OF MEMBER OFFICES

Ms. MCCOLLUM. So you are asking for forward money—Mr. Chair, the last question I have is on ADA inspections. Is that Member's offices as well.

Ms. GRUNDMANN. The answer is yes.

Ms. MCCOLLUM. I would be interested in seeing that report because I work very hard to have wheelchair accessibility in my office. There is only parts of my office I can make accessible. Other parts I cannot make accessible at all, no matter what I would choose to do. We could barely have one person walk through an aisle.

So I would—Mr. Chair at some point if you could provide the committee how out of compliance our offices are with the ADA I would appreciate that, and I do mean we are out of compliance. Thank you.

Mr. YODER. Thank you for that, Ms. McCollum.

## CONFIDENTIALITY AND STATUTE

The chair recognizes Ms. Wasserman Schultz.

Ms. WASSERMAN SCHULTZ. Thank you, Mr. Chairman. Welcome, Ms. Grundmann. When the OSD was created more than 20 years ago now, the idea behind it was to increase transparency, to have the CAA be applicable to Congress as well. So why then has the OOC in practice kept the public in the dark about which lawmakers or offices have been accused of improper workplace behaviors?

Ms. GRUNDMANN. That is a good question and the answer is it is actually in the statute. Under the statute—in the statute counseling sessions, which is the beginning of our process and mediations, which you have to go through to get to an independent hearing. I have actually brought a chart if it is helpful to have this kind of conversation.

Ms. WASSERMAN SCHULTZ. It would be.

Ms. GRUNDMANN. Let me share this with members of the committee. Let me explain the process starting from the beginning. Everything starts with counseling and that is initiated by the employee within 180 days of any given violation.

Ms. WASSERMAN SCHULTZ. And this is all statutory?

Ms. GRUNDMANN. This is all statutory, it is not regulatory on our part. Counseling under the CAA is strictly confidential, and it not so much binds the employee from speech, it is not a gag order, but it precludes us from publicly speaking about any of these cases. And the employing office is not told at the time that the employee has entered the system.

So the counseling period can be anywhere from 1 to 30 days. Following counseling, mediation is mandatory. This is when the employing office is brought to the table, meets with our independent mediator and has a discussion. This is where approximately 40 percent of our cases start so it is a good process.

Following mediation is the so-called cooling off period and that is the timeframe that runs 30 days after the end of mediation to 90 days so their filing windows is essentially 60 days. If the employee elects to go to court, they can go to court at that point and

litigate in full public view. Or the employee can elect to go through our administrative dispute resolution process with a hearing officer and a final decision.

The hearing office gives them a certain period of time. I can tell you that our median processing time for these types of cases is 190 days. I do not know what the EOC process—

Ms. WASSERMAN SCHULTZ. And meanwhile the employees is still working in the office?

Ms. GRUNDMANN. That is the problem. Now the CAA reform act that the House passed would address a number of these issues. Counseling and mediation would become voluntary, there would be a reporting requirement on our part to disclose the—in other words, lifting the veil of the strict confidentiality that you are concerned about.

Ms. WASSERMAN SCHULTZ. That legislation, that is—the lifting of that rail is already in the legislation that we passed out of the House.

Ms. GRUNDMANN. Yes.

Ms. WASSERMAN SCHULTZ. Okay. But the Senate hasn't taken that up yet?

Ms. GRUNDMANN. They are working on it from what we hear.

Ms. WASSERMAN SCHULTZ. And the reason we are not able to implement it on our own since we passed in the House of Representatives then that is the policy we have all voted for is because the statute prohibits it?

Ms. GRUNDMANN. Correct.

Ms. WASSERMAN SCHULTZ. The statute proscribes this process?

Ms. GRUNDMANN. Right.

Ms. WASSERMAN SCHULTZ. There is certainly a need for confidentiality and I understand that this is in the statute, but that confidentiality seems to me to be more applicable at certain points in the process. I mean the CAA requires an annual report for the public that details initiated proceedings.

Ms. GRUNDMANN. Right.

Ms. WASSERMAN SCHULTZ. Are you barred by law? Is the LLC barred by law or by internal rules from publicizing annual settlement sums, particularly in a breakdown by office instead of a year end total? Are you barred from breaking it down that way?

Ms. GRUNDMANN. We are not, but here is the concern. The concern is if we disclose by employing office, and our offices are very small, we are talking about seven, ten people. It won't be very—we run the risk of exposing confidentiality of the employee.

Now if there are settlement agreements let's talk about those in particular. Those are—most settlement agreements in fact all that I have seen contain nondisclosure clauses in them. Those are not by our doing. We don't offer sample language for NDAs and we don't require employees to have them in their settlement agreements. The product of the parties' negotiation. But that nondisclosure—

Ms. WASSERMAN SCHULTZ. During the mediation?

Ms. GRUNDMANN. During the mediation, during the hearing wherever, any time in the process. If there is a nondisclosure agreement, it means that we can't talk about it.

Ms. WASSERMAN SCHULTZ. If they reach a nondisclosure agreement?

Ms. GRUNDMANN. Correct.

Ms. WASSERMAN SCHULTZ. But before there is a nondisclosure agreement, if there is one, wouldn't it be more transparent to provide settlement information via office rather than suggest—offer that information in the aggregate. I mean we all have about 18 employees. It really is unlikely that a specific employee would be exposed unwillingly if you are reporting what office has reached a settlement.

Ms. GRUNDMANN. We have provided our oversight committee's CHA with all the numbers basically by year. They have also met with us and they talked about individual settlements but we haven't talked about which offices they are attached to.

Ms. WASSERMAN SCHULTZ. But you aren't prohibited under the law from doing so, you are choosing not to?

Ms. GRUNDMANN. I think we are prohibited—no, I think we are prohibited under the law. In terms of the strict confidentiality that adheres to each one of our processes and the nondisclosure agreements we cannot disclose who they are.

Ms. WASSERMAN SCHULTZ. Does the law require you to only report in the aggregate or are you allowed to provide a breakdown publicly by office rather than a yearend total.

Ms. GRUNDMANN. We don't think the law allows us to—

Ms. WASSERMAN SCHULTZ. When I asked you the question a minute or so ago you, answered differently.

Ms. GRUNDMANN. What I am trying to say is we don't think the law allows us to break it down individually by office. Now can we do that? We think we can if the law changes.

Ms. WASSERMAN SCHULTZ. But when I just asked you a few minutes ago you said that you don't offer it that way, but the law doesn't prohibit it because you worry about exposing the employee.

Ms. GRUNDMANN. That is true, yes.

Ms. WASSERMAN SCHULTZ. So is it prohibited or is it by choice?

Ms. GRUNDMANN. We believe it is prohibited.

Ms. WASSERMAN SCHULTZ. So then your first answer was not correct?

Ms. GRUNDMANN. I misunderstood your question. I am sorry.

Ms. WASSERMAN SCHULTZ. Okay. Well, the transparency issue is revolting. It is absolutely unacceptable that we continue to let Members who abuse their employees hide. And respectfully, I don't agree with your interpretation of your inability to instead of report those numbers those settlement numbers in the aggregate. So I would like to see the opinion that you base that on.

Ms. GRUNDMANN. Sure.

Ms. WASSERMAN SCHULTZ. So Mr. Chairman, if we could have that information provided by the OOC?

Ms. GRUNDMANN. Sure.

Ms. WASSERMAN SCHULTZ. Because I would like to see where that opinion has been proffered to you when it has been inquired about in the past.

Ms. GRUNDMANN. Sure.

Ms. WASSERMAN SCHULTZ. Thank you. I yield back.

Mr. YODER. Just so for clarification, is it your testimony then that that has changed under the legislation that has been passed in the House?

Ms. GRUNDMANN. The reporting requirements will be—yes. The Reform Act provides for—are disclosing Member's offices that have had settlements and awards that have come through the Treasury account that come out of the account. And that reporting would be on a 6-month basis to be published on our website.

Mr. YODER. Office by office?

Ms. GRUNDMANN. Office by office, particularly with the Members.

Mr. YODER. Based on the legislation that passed the House.

Ms. GRUNDMANN. Yes.

Mr. YODER. You think that clarifies the statute or directs it, regardless of the question answer you were just having with Ms. Wasserman Schultz.

Ms. GRUNDMANN. Yes.

Mr. YODER. You think that gives you the direction to be able to do it?

Ms. GRUNDMANN. Right.

Mr. YODER. Does it direct you to do it or does it permit you to be able to do it?

Ms. GRUNDMANN. No, it directs us to do it, we shall, we shall.

#### SETTLEMENT PAYMENTS

Mr. YODER. Did you have a follow up, Ms. Wasserman Schultz?

Ms. WASSERMAN SCHULTZ. Yes, just based on your question, because my understanding of the legislation we passed was that those settlements would no longer be able to be paid out of a Member's office or a committee office, a committee budget but would have to be paid by the Member personally. Is that correct?

Ms. GRUNDMANN. That is a great question because there is a mechanism that the format developed. Currently the way it works is when a settlement agreement comes to us, we request funds from the Treasury to be placed in an account that is designated for payment. After we obtain payment information, the funds are dispersed and the account is emptied.

So there is a compromise that the Reform Act struck. Rather than having the employee have a settlement to chase after collecting that fund, the compromise that was struck is that we still pay the settlement or award up front and we leave it to other means for the Member to repay that to the Treasury. We are not in the collections service.

Ms. WASSERMAN SCHULTZ. What does leaving it to other means mean?

Ms. GRUNDMANN. It is in the statute, there is a means for—they give the Member I believe 90 days to repay the Treasury. If that doesn't occur, then a garnishment occurs, and if that doesn't occur, then they go after the annuity.

Ms. WASSERMAN SCHULTZ. Okay. That is what I thought it was, but I just wanted to confirm. Thank you.

#### REFORM IMPLEMENTATION AND TRANSITION

Mr. YODER. Thank you.

We are blessed this afternoon to have the ranking member of the full committee from New York, our good friend, Mrs. Lowey. Welcome.

Mrs. LOWEY. It is so nice that you are blessed. We have had several hearings so I have been running around, but I am glad that I am able to contribute a little bit today. And I thank you. I am sorry I missed your testimony.

Following up again—and I apologize if it is repetitive because I missed so much of it.

If the final product is similar to drafts that have been discussed, how long would it take the OOC to implement the new reforms?

Ms. GRUNDMANN. That is a great question. The draft gives us 180 days, at least the version that is passed the Senate. We would love a year, because there are a number of processes that need to occur. There is the hiring, the standing up of the investigatory authority granted to the general counsel. In addition to that, there is the climate survey that we have to contract out for and that we have to meet with our the committees and all our stakeholders and talk about it and roll that out. And then there is finding more space for the office. In addition, we are going to have it to design our name. A lot of things are going to change, new rule writing. One hundred eighty days is really fast, we would like a year.

Let me further answer that. What helps us out a little bit in this process is the Library has come under us now so that gives us an opportunity today to work with the Library to develop how they fold into our system. So that is one less thing in other words that we have to do.

Mrs. LOWEY. Now, another question, should new allegations arise in the meantime, what is the OOC doing to make sure victims aren't misinformed or misrepresented during the transition?

Ms. GRUNDMANN. We still have our counseling period. And our counseling period—

Mrs. LOWEY. You still have what?

Ms. GRUNDMANN. Our counseling period that begins our process. And how that works really is the employee comes in and meets with our counselor and she explains to the employee what avenues of redress the employee has. Such as you can go to the government ethics committee. We understand that the Office of Employee Advocacy is being stood up even as we speak, and that is—for us it is good. Because if Congress is represented but the employee is not, the employee is clearly alone. So this gives us another person to talk to, somebody who also will understand our process who can explain the ramifications of the decisions the employees make.

Mrs. LOWEY. Now in light of the funding the OOC received in the 2018 omnibus, are there additional resources? What would be needed to carry out the new responsibilities?

Ms. GRUNDMANN. The new responsibilities pending passage from the Senate would essentially increase—we ran the numbers, would increase our 2019 request, it wouldn't double it, but it would bring at least another 50 percent to it, because we would have to bring on investigators to perform that function.

Mrs. LOWEY. And you have been specific about that in giving that information to the committee?

Ms. GRUNDMANN. Again, when the documents—when we filed a justification request the law had not passed. So our budget request has actually changed over a period of time. The chasing proposals, as you will. We know we don't have the investigatory authority currently so we haven't asked for the investigators because there is nothing to investigate.

At the time that we are granted the authority we are going to be looking for that—either the FTE or the funding for that function.

Mrs. LOWEY. And I assume you will keep the committee up to date on that request.

Ms. GRUNDMANN. Absolutely. That is a promise.

#### LIBRARY VISITOR SAFETY

Mrs. LOWEY. In another area, I know you are aware that the Library of Congress, Dr. Heyden, has an inspiring vision for the Library. She is going to leverage their incredible collections, historical artifacts, beautiful architecture to improve the experience for visitors. And I want to ensure that the Library's facilities can safely handle this increased traffic.

Can you tell us about any recommendations you have made to the Library of Congress and the Architect of the Capitol that might be relevant and specifically about the stairwell and fire egress needs?

Ms. GRUNDMANN. That is a good area to talk about. Currently our general counsel does all the occupational health and safety inspections, including the tree. And he works directly with the parties. We generally don't discuss these items in a public setting, we can arrange a special session with you with the general counsel to have a more in-depth conversation.

Mrs. LOWEY. But you are confident that the plans are progressing appropriately?

Ms. GRUNDMANN. They are working with us. The architect is working with us. And these are long-term plans, they don't occur overnight. These are changes, major changes.

Mrs. LOWEY. Yeah but, a year goes by pretty quickly and I know there'll be additional requests. It is very exciting, but I just want to be sure that all the appropriate mechanisms are being put in place for review. Yes?

Ms. GRUNDMANN. Yes. Yes.

Mrs. LOWEY. Okay. Thank you, Mr. Chairman.

#### OSH RECOMMENDATIONS

Mr. YODER. Mr. Taylor.

Mr. TAYLOR. Thank you, Mr. Chairman I appreciate it. Thank you for being here and all of your work, we appreciate it.

A couple of quick things, you guys require general counsel to inspect all legislative branch facilities for compliance with occupational safety and health standards at least once each Congress. As part of those inspections you provide recommendations. Do you currently have a list of recommendations that haven't been remediated? If so, how many are on the list? And what happens once you make a recommendation, is there follow up on your end?

Ms. GRUNDMANN. The process that the general counsel follows is actually detailed in the report and it starts with the inspection and then the findings. And if the findings are not correct, that could result in a citation. Citations can be litigated before our board of directors. Very rarely does anything result in citation, because the goal for the general counsel is to work with remediation, it is perspective in nature rather than looking backwards of who did what wrong.

So that is an ongoing process. I think that is a conversation that we could reserve for the general counsel and make him available to you. Okay?

Mr. TAYLOR. Okay. Thank you.

#### TRAINING DEVELOPMENT

For fiscal year 2019 you are requesting an increase in funds to pay for three new online training modules. Can you break down your process for determining when the new training models need to be created, who develops them, determines the content and how often the training programs are then reevaluated to make sure they are up to date with the latest information.

Ms. GRUNDMANN. Correct. Well, they must be reevaluated every year, annually, because training becomes stale unless you change it. The current FTE request is actually aimed at development of these modules and updating modules along with delivering in-person training.

Currently, by the end of this fiscal year, we will have four online modules that are new. The first one in January was a new antisexual harassment discrimination retaliation module, followed by a family and medical leave module that was launched on the anniversary of the FMLA. Coming later on in May is our bystander intervention training, along with unconscious bias. Those are topics and we have talked about changing the culture in this environment and changing the behavior as part of it so that became a top priority for us.

Let me also say something about the modules that the modules are great, they are good for the staff that is not in D.C., but that is the kind of training that lends itself best to in-person training where our instructor, our educator can engage in a conversation with individuals in that office. So we are urging in-person training.

To add to that in 2019, this is what we are looking to do, not forget the other side of our functions, but we are looking at adding an ADA public accessibility and common safety and health issues module, interactive. And that will be also for your district offices.

Currently our safety inspectors conduct webinars with the State and district offices about these issues. And that is a good thing. It is good for your staff and it is good for your constituents that come and visit you in your home office.

Mr. TAYLOR. Who develops and determines it?

Ms. GRUNDMANN. We do as a group. We look at priorities, we look at what we haven't covered yet, we look at what the community wants us to discuss and the community has asked us to focus on sexual harassment and the behaviors that can lead to sexual harassment.

Mr. TAYLOR. Thank you.

Thank you, Mr. Chairman.

CASE FILE SECURITY

Mr. YODER. Ms. Grundmann, how do you store your case files?

Ms. GRUNDMANN. That is—I knew you were going to ask that question. So first of all, let me just say that we have not been breached, we have not been hacked, we have never stored our data on an unsecured server. We recognize and our oversight committee has confirmed that we are Fort Knox and that is not our words, it is theirs.

We are in discussions with our oversight committee on how to handle this, but Fort Knox doesn't talk about their cybersecurity or their physical security of functions in a public setting. We know you have questions. We want to answer those questions. And we would be happy to set up a private meeting with you to have that conversation.

Mr. YODER. So it is your testimony to the committee today that you have not stored complaints on an unsecured server?

Ms. GRUNDMANN. Correct.

Mr. YODER. So the letter from Senator Wyden to your board of directors and the article entitled congressional office stored sexual harassment complaints on an unsecured private server, those allegations are incorrect?

Ms. GRUNDMANN. That is not true, correct.

Mr. YODER. Those are incorrect allegations. Why do they believe that you have. What do they base that on?

Ms. GRUNDMANN. I think this is a better conversation in a private setting. And I am free after this hearing.

Mr. YODER. Okay. I just think it is a concern for the committee regarding how the information is maintained.

Ms. GRUNDMANN. No doubt.

Mr. YODER. My understanding is starting fiscal year 2016 your office began the process of replacing your case handling system.

Ms. GRUNDMANN. Oh, it is not a case handling system, it is a management system so we can track when cases come in.

Mr. YODER. Where you store them and how you manage them are two different sort of topics there?

Ms. GRUNDMANN. They are actually the same, because the case management system is on this secured server.

Mr. YODER. Okay. It is my understanding you began the process of replacing the case handling system, part of the system is intended to have a fully electronic component, which would create a more streamline process. When will that be in place? And in total how much will the new system cost?

Ms. GRUNDMANN. It is currently in place. What we are talking about for 2019 is a new e-filing system. And if you go to the Cadillac series, it is \$260,000 for just the initiation process itself and then about \$35,000 annually to maintain it.

Mr. YODER. Okay. Mr. Ryan.

TRAINING DEMANDS

Mr. RYAN. Thank you, Mr. Chairman.

So one of the things we think about here on the Appropriations Committee in general and on this committee in particular is when

we begin doing something, what does it look like today and then what does it look like 2 years from now, 3 years from now through the budget cycle and how much.

If we were to ask you to begin the training in a comprehensive way like we all feel needs to happen, can you give us some perspective on what scaling that up looks like? I know you talked a little bit about some of the full-time employees and what your needs are. But can you give us a little bit more insight on what that looks like.

Ms. GRUNDMANN. Well, currently we have two people doing the training who do other functions. We average about two to three sessions a week, in between sessions we are schooling up for the next session. We are ready to go now, full blast. Our people enjoy training. And like I said, we have everybody on staff who is trained to do it right now.

Mr. RYAN. So moving forward there wouldn't be a significant increase in trainers? I mean we are getting more demand, more people are fortunately coming out, speaking out, that is a good thing. We just want to make sure we are able to handle the demand of that and at the same time the preventative part through—

Ms. GRUNDMANN. And the focus really is on preventative at this point. The behaviors and the biases. But what we need to do is free up people to do their jobs. I mean, we have safety inspectors and attorneys in our general counsel's office doing the training right now. They need to focus on the case processing as well, the cases and the briefs.

We do have—we are ready to train now, but we need more staff to fulfill our other functions as well.

Mr. RYAN. You talk a lot about the video conferencing and the video training. I think we all know the down side to that. Can you talk to us a little bit about what—we know it has limitation, but what are the benefits of that that you have seen in your personal experience?

Ms. GRUNDMANN. If you are talking about video conferencing, when we are talking about video conferencing are we just looking at your district offices?

Mr. RYAN. Yes.

Ms. GRUNDMANN. It is a much smaller setting. It gives employees an opportunity to ask questions of the educator and create different scenarios. It is a much more personalized experience. It can be done—in person is better, but we don't have the funding to travel. It is the second best. It is better than a module. The module there is the baseline, then you go to video conferencing, then we go to in person.

Mr. RYAN. Okay. Thank you. Thank you, Mr. Chairman.

#### CONFIDENTIALITY AND INFORMING MEMBERS OF STAFF CONDUCT

Mr. YODER. Ms. McCollum.

Ms. MCCOLLUM. I want to go back to your alternative dispute resolution. You said 40 percent of your mediation ends successfully?

Ms. GRUNDMANN. Forty percent approximately, yeah.

Ms. MCCOLLUM. So Ms. Wasserman Schultz was talking and there was a discussion with Mrs. Lowey about Members acting in-

appropriately with their staff. But there is also Member offices where its staff and staff was not acting appropriately with each other.

So part of what comes to mind is the length of time 180 days and you have an employee maybe who goes through mediation and maybe somebody decides to leave on their own, they are not happy in the office. Maybe two employees actually worked something out, but then you have 60 percent where that is not ending at the mediation.

Ms. GRUNDMANN. Uh-huh.

Ms. MCCOLLUM. We have interns in our office who can be a summer intern to someone who is maybe going to intern for 6 months, maybe 9 months or something like that. What is the remedy for an employee who is in a work situation—because we have done and unfortunately some of it is being undone in some of the higher education institutions right now in dorm room settings where people are living together, because if you are working together in our office you are in close quarters.

What do we do for someone who comes in as a victim, starting with counseling moving forward, does that person—part of the criticism with some of the Member settlements were people were removed from the office and paid. We tried to get people who are in sexual harassment and sexual abuse systems, women or men, couples, we try to get them separated. Now we have people working together with this timeline.

So what is something if I went in and I was having problems not with—let's say not with a Member but with a coworker, you said it is all confidential. If I am a Member and someone approaches me, maybe I can figure something out to make the worksite more comfortable for everybody while this is going through. What do you do?

Ms. GRUNDMANN. Actually, that is very significant that you brought that up. In some of our training sessions, the Member is present and the Member will say, look, I am telling you right now, if you see any kind of activity like this, I want you to tell me. So they are stepping up to the plate. So that is an one-on-one, in-person training.

Something else let me clarify for you, we talk about 40 percent of our mediations settling, not all of them go on to a hearing. There is steep drop off from after mediation to an election of a hearing.

Ms. MCCOLLUM. Right.

Ms. GRUNDMANN. So what can you do, education. You have to change the behavior, you have to change the climate. And you have to address—nip it in the bud before it starts, the culture has to change.

Ms. MCCOLLUM. I understand that, I worked in the private sector and I worked on this a lot and I also serve on the defense committee. So believe me I have been in this over and over again. I am 63 so I have seen it for a long time. I know what is going on. Okay.

My question was you have—if someone chooses not to go to the Member, they can choose not to go to the Member. They come in, there is something seriously going on in the office. At what point

does the Member know or do you contact the Member so that the Member can make it system deceased.

Ms. GRUNDMANN. The Member's office would know—I don't know if the Member would know—but the Member's office chief of staff remember would know at the mediation stage, because in the counseling stage the employee comes to us the employing office is not told. If the employee choose to advance to mediation then we would contact House employment counsel and they would represent the Member in the mediation session.

So presumably the Member would know of any alleged illegal activity at the mediation stage so that is day, somewhere between day 2 to day 45.

Ms. MCCOLLUM. So to be clear and I would hope someone would come to me, but we all live in the real world. Right?

So someone is in the counseling, your mediator sees something that is pretty alarming. Your mediator—does that mediator—can that mediator step in and say, you know, wait a minute. We are not doing counseling anymore. We need to move this up. We need to move faster.

Ms. GRUNDMANN. Well, the mediator is not part of the counseling stage. The counseling stage is a separate stage with one of our employees. The mediator would be trying to—

Ms. MCCOLLUM. Well, okay. The mediator can sometimes tell that something isn't going to work.

Ms. GRUNDMANN. Sure.

Ms. MCCOLLUM. Okay. So are the counselors empowered to step in?

Ms. GRUNDMANN. Because of the strict confidentiality clause, no they cannot tell the employing office and that is baked into the law. Now let's look forward and let's talk about the CAA reform. In the CAA reform there are certain remedies that are provided to employees—

Ms. MCCOLLUM. I get that, but I am not waiting for the Senate here. If we—what is the big thing around here, see something, say something. If somebody in my office is under harm and a counselor knows that they are under harm and I am not told, eventually something goes out in the press later on, who is going to be held accountable? We are. And so I get the confidentiality and everything, but if somebody is really under that kind of harassment or duress that a professional counselor would say, time out, we have got to separate these folks, we have got to do something different, you are saying there is no way to step in?

Ms. GRUNDMANN. The counseling, and this is going to change, we hope this will change, is a misnomer, the counselor is not the employees representative. That is why you have the Office of Employee Efficacy coming in.

The counselor is only telling the employee what his or her rights are and what avenues there are. It is essentially intake. It is not a therapy process. That is the difference.

Ms. MCCOLLUM. Well, I am not talking about therapy. I am talking about somebody comes in to your office and there is something very seriously wrong going on, very serious.

Ms. GRUNDMANN. Yes.

Ms. MCCOLLUM. And it is alarming to that individual. They know it is absolutely wrong. The Member's office doesn't find out about it. Can the employee waive that?

Ms. GRUNDMANN. Yes.

Ms. MCCOLLUM. Do you encourage employees to waive that?

Ms. GRUNDMANN. Where the employee would waive it is so if they think that we can make a speedy resolution, a satisfactory resolution, the employee can waive confidentiality and we would go directly to the employing office.

Ms. MCCOLLUM. Mr. Chair, I think this begs to why this system needs to change and I think the new system if the Senate ever moves forward on it and we go to it, it is going to have things that have to be worked out as well. This reminds me back in the day when if a police department came upon a domestic violence dispute how it used to be handled versus how it is handled now. You take care of the victim.

Thank you, Mr. Chair.

Mr. RYAN. Mr. Chairman, if I may.

Mr. YODER. Sure.

Mr. RYAN. I don't want to keep splitting hairs here, but I think it is important. So there is only one blanket elimination of your confidentiality and maybe one of the things that we need to explore is a limited waiver for the boss, because I don't want someone saying I need someone to intervene here immediately.

I am not talking about a blanket waiver of confidentiality, I am talking about very limited so you can tell my boss that we can fix this problem.

Ms. GRUNDMANN. The employee can do that currently under the system.

Mr. RYAN. And it would be limited to just the boss?

Ms. GRUNDMANN. It would be limited for the purposes—to resolve the issue, yes. It is broader than that, it would be to resolve the issue. So the confidentiality goes—the employee's driving it all the way through. He or she is deciding at counseling whether they want to move to the next stage. At mediation the employee is deciding whether they want to move to the next stage.

At the next stage they are deciding which process to choose. The law and we understand the frustration. We have been called Byzantine, shrouded in secrecy, but this is the process that Congress designed in 1995 and that is the process you are seeking to change. To lift that veil of confidentiality, and particularly if an employee wants it. Sometimes the employees will come to us and they don't want us to discuss it with their employing office, in which case it ends.

Mr. RYAN. Right. Mr. Chairman.

Mr. YODER. Ms. Wasserman Schultz.

Ms. WASSERMAN SCHULTZ. So under the law that bill that we passed out of the House, Mr. Harper's bill, what happens to confidentiality?

Ms. GRUNDMANN. Confidentiality, it is still there. There is a provision for confidentiality, it is not—no longer called strict confidentiality anymore. We need to reach out to our lawmakers, CHA in particular to find out what the change is between strict confidentiality—for us, I don't think anything has changed in the sense

that there is no affirmative duty for us absent waiver by the employee to discuss their claim with anyone.

Ms. WASSERMAN SCHULTZ. So we haven't changed the transparency in the new bill?

Ms. GRUNDMANN. The transparency changed in terms of our reporting requirements. They are more ample, they are more fluid and they are certainly more ongoing.

Ms. WASSERMAN SCHULTZ. Because I am looking at the language in the bill, which says protection of personally identifiable information, if a committee to which a claim is referred under paragraph 1 issues a report with respect to the claim, the committee shall ensure that the report does not directly disclose the identity or position of individuals involved in the claim.

Ms. GRUNDMANN. You are talking about the Ethics Committee, right?

Ms. WASSERMAN SCHULTZ. I am talking about whatever this is referring to in the legislation.

Ms. GRUNDMANN. It sounds like the Ethics Committee, because we don't have a committee in our process.

Ms. WASSERMAN SCHULTZ. The bottom line that I want to know is have we enabled there to be transparency absent the waiver of the confidentiality by the person who is the victim?

Ms. GRUNDMANN. We think you have. Certainly the employee is going to have to choose whether or not they want it disclosed. I mean there is competing interest here, isn't there? There is a competing interest for the public to know what is going on and there is the other interest of whether the employee wants to disclose what is going on.

Ms. WASSERMAN SCHULTZ. What have we required in the legislation that has passed the House?

Ms. GRUNDMANN. That it remained confidential, that is still there. So is your question that you want to know which lawmakers offices—

Ms. WASSERMAN SCHULTZ. My question is if somebody has abused a subordinate of theirs, whether they are a Member, or a chief, or an LD or anybody, does the law, if this bill became law, still protect that individual if at the conclusion of the process they settled and are found in some ways to have been guilty of what they had been accused of?

Ms. GRUNDMANN. In the Senate version the language is extended to naming not just the Member but senior staff.

Ms. WASSERMAN SCHULTZ. An in our version?

Ms. GRUNDMANN. It is not.

Ms. WASSERMAN SCHULTZ. So no one gets named in our version?

Ms. GRUNDMANN. Just the Member.

Ms. WASSERMAN SCHULTZ. So if a chief of staff engages in that conduct or anyone else what isn't the Member, their conduct is not disclosed?

Ms. GRUNDMANN. That is correct.

Ms. WASSERMAN SCHULTZ. That is absolutely unacceptable.

Mr. YODER. Further questions for Ms. Grundmann?

Thank you for your testimony today. And we look forward to continuing to work with you on your budget request and these many

issues that have been raised today. And we appreciate your work on behalf of the taxpayers of the United States.

Ms. GRUNDMANN. Thank you.

Mr. YODER. This subcommittee meeting is adjourned temporarily and then we will reconvene in about a minute in which the Congressional Budget Office will be here to testify.

[Questions for the Record follows:]

**Question No. 1 - OVERALL CULTURAL CHANGE:**

*I mentioned at the top of the hearing several steps Congress and the House specifically has taken to address workplace harassment including mandatory training, the employee advocacy office, and proposed process changes to OOC. Those are all things that are needed but I would categorize as low hanging fruit, in your opinion are further steps required to adequately address workplace harassment and affect real culture change across the legislative branch, if so, what are those next steps?*

**Answer:** Among other functions, the OOC is responsible for carrying out a program to educate and inform Members of Congress, employing offices, and legislative branch employees of their rights and responsibilities under employment laws made applicable to them through the Congressional Accountability Act (“CAA”), adjudicating workplace disputes, and recommending to Congress changes to the CAA to advance the workplace rights of legislative branch employees. Thus, section 102(b) of the CAA tasks the OOC’s Board of Directors to report to every Congress on: first, whether or to what degree provisions of federal law relating to employment and access to public services and accommodations are applicable to the legislative branch; and second, with respect to provisions not currently applicable, whether such provisions should be made applicable to the legislative branch. Implementation of several of the Board’s recommendations, which I discuss below, would significantly further the progress that Congress has made in addressing workplace harassment and affecting real culture change across the legislative branch.

*Mandatory Anti-Discrimination, Anti-Harassment, and Anti-Retaliation Training for All Employees and Managers in the Legislative Branch*

The Board has consistently recommended in its past biennial section 102(b) reports that Congress mandate anti-discrimination, anti-harassment, and anti-retaliation training for all Members, officers, employees and staff of the Congress and the other employing offices in the legislative branch. The House and the Senate recently took the lead on these matters with their votes to require all Members, Officers, employees, including interns, detailees, and fellows, to complete an anti-harassment and anti-discrimination training program. The CAA, however, applies across the legislative branch, and these mandates do not extend beyond the two houses of Congress. Mandatory training for all congressional employees and managers would go far in creating a model workplace free from harassment, discrimination and retaliation. The OOC therefore recommends that any statutory change to the CAA include these broader mandates for the legislative branch workforce at large, mandating training for every new employee and biennial update training for all current employees and supervisory personnel.

For true cultural change to occur, however, leadership and senior management must spearhead the effort through demonstrated commitment, which, in turn, will encourage buy-in from first-

line supervisors and employees. Rather than simply completing a mandatory training module on an annual or semi-annual basis, leaders can demonstrate their commitment to cultural change by attending interactive one-on-one training sessions with their employees on workplace conduct which, although not “legally actionable” in itself, may set the stage for unlawful harassment if left unchecked. This is why, pursuant to its statutory mandate, the OOC has developed a comprehensive program of education and training on subjects such as “bystander intervention,” which is based on the idea that both men and women can interrupt behaviors that can lead to harassment or the creation of a hostile work environment. The OOC’s training, which can be customized to meet the individualized needs of any employing office in the legislative branch, is designed to change social norms and encourage people to find ways to intervene. The OOC also offers “unconscious bias” training that focuses on learned stereotypes that are automatic, unintentional, deeply engrained, universal, and able to influence behavior. When employees see leadership demonstrating their commitment to cultural change by their participation in these training sessions, the stage is set for true cultural change to occur.

It is also essential that all employing offices in the legislative branch adopt and maintain comprehensive anti-harassment and anti-retaliation policies. We stand ready to work with employing offices through employment counsel to ensure that such policies, including clear instruction on how to complain of harassment and how to report observed harassment, are communicated effectively to all employees. Employing offices must also be alert to any possibility of retaliation against an employee who reports harassment and must immediately take steps to prevent it.

*Require Notice-Posting of Congressional Workplace Rights in All Employing Offices*

Workplace harassment too often goes unreported. Common responses by those who experience sex-based harassment are to avoid the harasser, deny or downplay the gravity of the situation, attempt to ignore, forget, or endure the behavior, or simply leave the workplace for another job. According to the EEOC, the least common response to harassment is to take some formal action—either to report the harassment internally or to file a formal legal complaint. The OOC has long been concerned that employees in the legislative branch may also be deterred from taking formal action simply due to a lack of awareness of their rights under the CAA. Although the CAA does require the OOC to distribute informational material “in a manner suitable for posting,” it does not mandate the actual posting of the notice.

The Board has therefore consistently recommended in its section 102(b) reports that Congress adopt all notice-posting requirements that exist under the Federal anti-discrimination, anti-harassment, and other workplace rights laws covered under the CAA. Although the House of Representatives has adopted resolutions requiring the posting of a notice advising employees of their rights and protections under the CAA, the OOC recommends that the CAA be amended to require that all employing offices throughout the legislative branch post this notice of employee rights. Through permanent postings, current and new employees remain informed about their rights regardless of their location, employee turnover, or other changes in the workplace. The notices also serve as a reminder to employers about their workplace responsibilities and the legal ramifications of violating the law.

*Name Change*

The name “Office of Compliance” provides legislative branch employees no indication that it exists to protect their workplace rights through its programs of dispute resolution, education, and enforcement. As the Board advised Congress in 2014, changing the name of the office to “Office of Congressional Workplace Rights” would better reflect our mission, raise our public profile in assistance of our mandate to educate the legislative branch, and make it easier for employees to identify us for their needs.

*Extending Coverage to Interns, Fellows, and Detailees*

The Board supports proposals to extend the coverage and protections of the anti-discrimination, anti-harassment, and anti-retaliation provisions of the CAA to all staff, including interns, fellows and detailees working in any employing office in the legislative branch regardless of how or whether they are paid. Any amendment to the Act should ensure that these individuals are also covered by the anti-retaliation provision of section 207 of the Act.

*Climate Survey*

The Board supports the use of climate surveys covering the entire legislative branch to:

- (1) ensure that the congressional workforce is free of illegal harassment and discrimination;
- (2) assess the general knowledge of CAA workplace rights; and
- (3) serve as a barometer of cultural change.

Because harassment and retaliation in the workplace is often underreported, official statistics underrepresent the extent of the problem. Although the Committee on House Administration has adopted regulations requiring a survey of Members of Congress and congressional staff regarding employment discrimination, it does not cover other employing offices in the legislative branch. Many of these employing offices are also working to address the problem of sexual harassment, but they lack the assessment tools to understand the scope or nature of the problem. Conducting a legislative branch-wide climate survey would also be a best-practice response to fill this gap in knowledge.

**Question No. 2 - ADDITIONAL JURISDICTION:**

*In the fiscal year 2018 Omnibus your jurisdiction was expanded to include claims submitted by employees of the Library of Congress.*

- *Could you explain what the statute of limitations are for employees that wish to bring claims?*
- *Have you seen an increase in claims as a result of this recently expanded jurisdiction?*

**Answer:** The amendments to the CAA in the Omnibus provide Library of Congress employees with a choice about how to pursue claims alleging employment discrimination. Library employees may now elect to pursue a complaint either with the OOC or with the Library’s Office

of Equal Employment Opportunity and Diversity Programs. Discrimination complaints may cover allegations of discrimination or harassment based on race, color, religion, national origin, sex, age, disability, or genetic information, and claims of retaliation. Library employees may also submit to the OOC claims alleging violations of the Family and Medical Leave Act, the Fair Labor Standards Act, and the accommodation provisions of the Americans with Disabilities Act.

Prior to filing a formal complaint with the OOC or in the U.S. District Court, subchapter IV of the CAA currently requires that an employee request counseling *within 180 days of the date of the alleged violation of our statute*. "Counseling" is a statutory term that equates to intake.

Since the amendments to the CAA in March, two Library employees have requested counseling. By statute, counseling between the employee and the OOC is strictly confidential. The confidential nature of the counseling process is intended to provide employees with the ability to contact the CAA regarding their statutory rights knowing that the OOC will not disclose that contact to the employing office or anyone else.

**Question No. 3 - ELECTRONIC FILING OF CLAIMS:**

*It's my understanding that starting in FY 2016 your office began the process of replacing your case handling system, part of the new system is intended to have a fully electronic filing component which will create a more streamlined process and ease to file.*

- *When will the electronic system be in place?*
- *In total how much will the new system cost?*

**Answer:** In FY 2016, the Office began the process of replacing our outdated case handling system with a new and more comprehensive case management system ("CMS"). The CMS is the OOC's secure internal database for storing and managing all records and pleadings related to claims under the CAA. The CMS is currently in place and is fully operational.

The OOC issued amended Procedural Rules in FY 2017, which, among other things, permitted parties to file documents and pleadings with the OOC electronically. The CMS is used by the OOC internally and does not constitute an electronic filing system. In its FY 2019 budget request, the OOC is therefore seeking funds to create a fully electronic filing functionality that will ensure ease of filing and enhance workflow, while continuing to maintain the security of the confidential information submitted by the parties. This functionality will not only provide for more streamlined service delivery to the congressional community; it will also facilitate timelier dispute resolution, resulting in cost savings in the long term.

We estimate that the design, development and implementation of the electronic filing component will cost \$260,000, and that the annual cost for maintenance and upgrades will total \$35,000. We believe that the electronic filing component would be operational within 1 year of funding.

**Question No. 4 - DOLLAR AMOUNT OF SETTLEMENTS IN 2017:**

*According to your budget justification in fiscal year 2017 just short of a million dollars was paid out in settlements and awards, this was the highest amount in a decade.*

- *Without violating any NDAs or commenting on specific settlements can you speculate as to why this past year was so high?*
- *Did you see a common theme of violations or management practices that could be changed to prevent these payments?*

**Answer:** A review of our records indicates that the increased amount for FY 2017 was attributable to the settlement of a case that was pending before the U.S. District Court for the District of Columbia, and which concerned allegations of reprisal for opposing a practice made unlawful by the Occupational Safety and Health Act. The settlement amount totaled \$600,000, which included \$310,000 in attorney's fees and expenses. Other than this settlement, the figure for settlements and awards for FY 2017 was the lowest in several years.

Because the OOC did not adjudicate this case and there does not appear to have been any admission of liability by the employing office, it does not provide us with sufficient grounds for finding a specific, common theme of violations or unlawful management practices that could be changed to prevent these payments. Nonetheless, in our view, it underscores the general need for managers and employees in the legislative branch to receive training under the CAA that includes information concerning the protections the CAA provides employees against reprisal for having opposed practices made unlawful by the Act.



WEDNESDAY, APRIL 18, 2018.

**FISCAL YEAR 2019 CONGRESSIONAL BUDGET OFFICE**

**WITNESS**

**KEITH HALL, DIRECTOR, CONGRESSIONAL BUDGET OFFICE**

Mr. YODER. We will call the subcommittee back to order. Good afternoon. I would like to welcome Keith Hall, Director of the Congressional Budget Office, back to the committee.

Dr. Hall, welcome.

Dr. HALL. Thank you.

Mr. YODER. Created in the Congressional Budget Act of 1974, that infamous bill, the Congressional Budget Office produces independent analysis of budgetary and economic issues in support of the congressional budget process.

Each year, CBO produces hundreds of formal cost estimates, thousands of preliminary cost estimates, and dozens of analytic reports and papers, releases numerous economic projections, and is a constant source of advice relating to budgetary issues for Members and staff.

Last year, I had the opportunity to visit with Director Hall and tour CBO's offices personally, and during that tour, it became clear to me just how committed the CBO staff is to their mission. You could feel the energy and enthusiasm throughout the office.

CBO's fiscal year 2019 budget request is 50.7 million, which represents a 1.6 percent increase from previously enacted levels. In reviewing your budget justification, this year CBO focuses on three key areas: Responsiveness to Congress, increased transparency, and expanding analytical capacity.

I am supportive of all three of these areas in increased transparency, and I look forward to hearing more about your plans to improve in each area during your testimony and the question and answer that will follow.

I would now like to yield to the great Ohioan, my friend, Mr. Tim Ryan.

Mr. RYAN. Thank you, Mr. Chairman. I will keep my remarks brief.

I want to thank Director Hall for being here today and highlighting for the members of our subcommittee the important work of the Congressional Budget Office. As we have learned, since 1975, you have been providing independent analysis of congressional legislation. We certainly do appreciate that.

These men and women are consummate professionals who, let's be honest, sometimes frustrate both sides of the aisle with their analysis of legislation we would like to see signed into law. But their work is essential to the operation of Congress. And I have

seen that on both sides over the last 16 years, of both sides being upset.

Today, with the ongoing war on facts, science, and expertise, your job is even that much more important. CBO's analysis is a key part of pushing us towards fiscal discipline and transparency.

Members of Congress need to know the economic effects of the bills before we vote, and the public needs to know how those economic effects were estimated. That is why I am pleased to see the CBO focus on the need for responsiveness to Congress as well as transparency in their fiscal year 2019 budget request.

I will save the rest of what I have to say for questions, and I yield back.

Mr. YODER. Thank you, Mr. Ryan.

Dr. Hall, your complete statement will be made part of the official Congressional Record. Feel free to summarize your remarks at this time.

Dr. HALL. Sure. Great.

Chairman Yoder, Ranking Member Ryan, and members of the subcommittee, thank you for the opportunity to present the Congressional Budget Office's budget request. CBO is asking for appropriations of 50.7 million for fiscal year 2019. That amount represents an increase of \$800,000, or 1.6 percent from the \$49.9 million provided to CBO for 2018. Of the total amount, nearly 91 percent would be used for personnel costs. Increases of \$2.6 million for three priorities: to pay for current staffing, to bolster responsiveness and transparency, and to expand analytical capacity—would be significantly offset by one-time savings of \$1.8 million this year. With the requested funding, CBO would be able to add 13 new employees to augment its capabilities. To fund the current staffing levels in 2019, CBO requests an increase of \$1.2 million. That amount would be used for a small increase in employees' average salary and benefits to keep pace with inflation. If such funding is not provided, CBO will need to shrink its staff and consequently provide less information and analysis to the Congress in 2019.

CBO proposes to hire 20 new staff members by 2021 to bolster its responsiveness and transparency. In 2019, the agency would hire 10 of those new employees at a total cost of \$1 million, mainly for salary and benefits.

The agency has shifted resources already to undertake such activities and has plans for further shifts, but many initiatives of great interest to Congress could be undertaken only with more employees.

Also, with additional resources, CBO would be able to pursue three main strategies to produce cost estimates more quickly: First, the agency would hire more assistant analysts who could move from one topic to another and provide support to more senior analysts when demands surged for analysis of a particular topic, such as healthcare, natural resources, or banking; second, CBO would hire analysts to develop deeper expertise in certain topics, such as cybersecurity and higher education policy, so that the agency was better positioned to analyze new proposals in those areas; third, the agency would hire analysts to expand its use of team approaches, in which work in large and complicated proposals is shared.

With respect to transparency, CBO is actively exploring ways to provide additional information about its modeling that would be useful to Congress. The agency has released new publications this year describing its processes for producing economic forecasts, budget baselines, and cost estimates.

Key staff are making presentations to congressional staff about those processes, and in the coming months, efforts to bolster transparency will include the following: Publishing detailed information about key aspects of CBO's updated model for simulating health insurance coverage, including computer code and about how analysts use the model in preparing estimates; developing a version of CBO's model for projecting spending on discretionary programs to allow for replicating roughly 40 percent of the agency's formal cost estimates; releasing technical documentation and computer code explaining how key parts of CBO's long-term budget model work and how they contribute to the agency's analysis; providing information online that enables users to examine how a large variety of changes in baseline economic projections can affect projections of the Federal budget; and last but not least, posting on an agency's website, a tool for examining the cost of different military force structures.

Added resources would also allow CBO to produce other kinds of information that would aid transparency. For instance, CBO could provide more information about the basis for key parameters that underlie the results of models.

Additional funding would also help the agency turn its internal comparisons of projections and actual results—for the economy, revenues, spending, deficits and debt into public documents.

CBO proposes to expand its analytical capacity primarily by adding three new healthcare analysts in 2019. The total cost would be \$400,000. Congressional interest remain high in modifying and replacing the Affordable Care Act, and changing Medicare and Medicaid, and the new analysts would help the agency examine new approaches to do so.

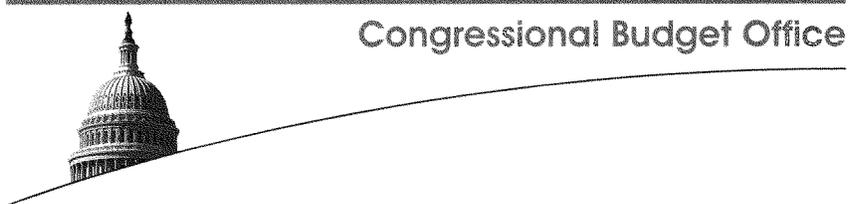
The increases for the three priorities are offset by \$1.8 million in savings, resulting from being able to use fiscal year 2018 funding to cover one-time costs for the migration of the agency's data center, and contractors' support of transparency efforts, and to pay for some multiyear contracts to acquire data and to install new communication lines.

The requested amount of funding would allow CBO to provide estimates and other analysis to the Congress, such as more than 600 formal cost estimates and thousands of preliminary informal cost estimates; about 80 analytical reports and papers; and more than 100 scorekeeping tabulations, including account-level detail for individual appropriations acts at all stages of the legislative process, as well as summary tables showing the status of discretionary appropriations and running totals on a year-to-date basis.

In closing, I would like to thank the committee for its long-standing support of CBO. That support has allowed CBO to provide budget and economic analysis that is timely, thoughtful, and non-partisan as the Congress addresses issues of critical importance.

Thank you.

[The prepared statement follows:]



## Testimony

### CBO's Appropriation Request for Fiscal Year 2019

**Keith Hall**  
**Director**

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

**April 18, 2018**

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Chairman Yoder, Ranking Member Ryan, and Members of the Subcommittee, thank you for the opportunity to present the Congressional Budget Office's budget request. CBO is asking for appropriations of \$50.7 million for fiscal year 2019. That amount represents an increase of \$0.8 million, or 1.6 percent, from the \$49.9 million provided to CBO for 2018. Of the total amount, nearly 91 percent would be used for personnel costs.

### **Reasons for the Requested Increase in Funding**

Increases of \$2.6 million for three priorities—to pay for current staffing, to bolster responsiveness and transparency, and to expand analytical capacity—would be significantly offset by onetime savings of \$1.8 million this year. With the requested funding, CBO would be able to add 13 new employees to augment its capabilities.

#### **Paying for Current Staffing**

CBO requests an increase of \$1.2 million to fund current staffing levels in 2019. That amount would be used for a small increase in employees' average salary and benefits to keep pace with inflation. If such funding is not provided, CBO will need to shrink its staff and consequently provide less information and analysis to the Congress in 2019.

#### **Bolstering Responsiveness and Transparency**

CBO proposes to hire 20 new staff members by 2021 to bolster its responsiveness and transparency. In 2019, the agency would hire 10 of those new employees at a total cost of \$1.0 million, mainly for salary and benefits. (The additional staff members would be hired partway through fiscal year 2019, so the addition in terms of full-time-equivalent positions, or FTEs, would be 8 rather than 10.) The new staff would help CBO respond to requests for information more quickly when there is a surge in demand. They would also allow CBO to supply more information about its analysis and models without reducing the valuable services that it provides to the Congress at its current staffing. The agency has shifted resources already to undertake such activities and has plans for further shifts, but many initiatives of great interest to the Congress could be undertaken only with more employees.

(The amount in CBO's original budget request for 2019, submitted before the recently established appropriation for 2018, was \$0.8 million.)

#### **Expanding Analytical Capacity**

CBO proposes to expand its analytical capacity primarily by adding three new health care analysts (a number equivalent to two FTEs) in 2019. The total cost would be \$0.4 million (\$0.3 million in personnel costs and \$0.1 million in nonpersonnel costs, mostly for inter-agency agreements). Congressional interest remains high in modifying or replacing the Affordable Care Act and changing Medicare or Medicaid, and the new analysts would help the agency examine new approaches to do so.

(In CBO's original budget request, the amount for "Expanding Analytical Capacity" was \$0.6 million, but a portion of the requirement has been funded from the 2018 appropriation. So CBO has redirected \$0.2 million from the originally proposed amount to address the priority "Bolstering Responsiveness and Transparency.")

#### **Applying Offsetting Savings**

The increases for the three priorities are offset by \$1.8 million in savings resulting from being able to use fiscal year 2018 funding to cover onetime costs for the migration of the agency's data center and contractors' support of transparency efforts and to pay for some multiyear contracts to acquire data and to install new communication lines.

### **CBO's Budget Request and Its Consequences for Staffing and Output**

In fiscal year 2019, CBO will continue its mission of providing objective, insightful, timely, and clearly presented budgetary and economic information to the Congress. To fulfill that mission, the requested funding of \$50.7 million would be used for personnel costs (that is, salaries and benefits) and nonpersonnel costs for IT (information technology) and other items, such as training, as follows:

#### **Funding Request for Personnel Costs and Consequences for Staffing**

CBO requests \$45.9 million for salary and benefits, which equals 91 percent of its funding request. Those funds would support 249 FTEs. The requested amount represents an increase of \$2.5 million, or 6 percent. The total requested amount would break out this way:

- \$34 million would cover salaries for personnel—an increase of \$1.8 million, or 6 percent, from the amount that will be spent in fiscal year 2018. The increase would include \$0.9 million in pay

for 13 new staff members, 10 of them to bolster CBO's responsiveness and transparency and 3 to expand analytical capacity. (The addition in terms of FTEs would be 10.) The increase would also cover performance-based salary increases for current staff and an across-the-board increase of 2.6 percent for employees earning less than \$100,000.

- \$11.9 million would fund benefits for personnel—an increase of \$0.7 million, or 6 percent, from the amount projected to be spent in 2018. The increase would cover an increase in the cost of federal benefits, as well as benefits for the 13 new staff members.

#### Funding Request for Nonpersonnel Costs

CBO requests \$4.9 million for nonpersonnel costs, which equals about 10 percent of its funding request. Those funds would cover current IT operations—such as software and hardware maintenance, software development, purchases of commercial data, 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 a net decrease of \$1.7 million, or 26 percent, but would allow CBO to fund support costs for the 13 new staff members, covering travel, training, furniture, and IT for them (\$65,000).

#### Consequences for Output

The requested amount of funding would allow CBO to provide estimates and other analyses to the Congress in roughly these quantities:

- 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 80 analytic reports and papers—generally required by law or 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, Social Security, and housing;
- 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, as well as publications that increase the transparency of CBO's work and communicate 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 been heavy, and the Congress remains acutely interested in analyses of proposals affecting health insurance. Other issues arise frequently and create a heavy demand for analysis; for example, over the past year, CBO analyzed legislation related to immigration, veterans' health, water rights, opioid abuse, education, and nutrition. 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.

#### How Additional Funding Could Improve CBO's Responsiveness, Transparency, and Analytical Capacity

In response to proposals that CBO provide information more quickly and transparently than is possible with its current staffing—while continuing to meet its goal

of providing objective, insightful, high-quality information—the agency proposes to dedicate additional resources to doing so. As explained, CBO proposes to hire 13 new employees in 2019, and it proposes bringing on a total of 20 new employees over the next three years—or more quickly, if the Congress chooses to appropriate the necessary funding more quickly than CBO is asking. Some proposals related to CBO's speed and transparency would require even more resources than the agency is requesting.

#### Responsiveness

Last year marked the highest number of formal cost estimates in a decade: 740. Over 70 percent of those estimates were published within 30 days of markup, and over 40 percent of those estimates were published within two weeks. The overall average for completing a cost estimate was 25 calendar days after markup.

In 2017, CBO enhanced its tracking system for cost estimates, including focusing more on identifying why some cost estimates take longer to complete. (Fewer than 10 percent of estimates took longer than 60 days to complete in 2017.) The reasons vary. In many cases, the legislation or the required analysis is particularly complex. In some cases, legislative language is not in final form when received, or CBO is waiting for data from agencies or relevant stakeholders. In any case, CBO's goal is to improve the turnaround time when it can, and identifying those roadblocks is one of the first steps toward that goal. The agency aims to use the expanded tracking system to improve on its performance in terms of timeliness, which already ensures that almost all reported bills receive a cost estimate before final consideration on the floor of either chamber.

With additional resources, CBO would be able to pursue three main strategies to produce cost estimates more quickly. First, the agency would hire more assistant analysts, who could move from one topic to another and provide support to more senior analysts when demand surged for analysis of a particular topic, such as health care, natural resources, or banking. Second, CBO would hire analysts to develop deeper expertise in certain topics, such as cybersecurity and higher education policy, so that the agency was better positioned to analyze new proposals in those areas. Third, the agency would hire analysts to expand its use of team approaches, in which work on large and complicated proposals is shared.

CBO's proposed expansion of its analytical capacity would also bolster the agency's responsiveness in the long term by creating a stronger base on which to build when starting new analyses.

#### Transparency

CBO is actively exploring ways to provide additional information about its modeling that would be useful to the Congress. The agency has released new publications this year describing its processes for producing economic forecasts, budget baselines, and cost estimates.<sup>1</sup> Key staff are making presentations to Congressional staff about those processes.<sup>2</sup> In the coming months, efforts to bolster transparency will include the following:

- Exploring ways to make more supporting documentation of the methods used in baseline projections and cost estimates publicly available;
- Publishing detailed information about key aspects of CBO's updated model for simulating health insurance coverage—including computer code—and about how analysts use the model in preparing estimates;
- Developing a version of CBO's model for projecting spending on discretionary programs to allow for replicating roughly 40 percent of the agency's formal cost estimates;

1. See Robert W. Arnold, *How CBO Produces Its 10-Year Economic Forecast*, Working Paper 2018-02 (Congressional Budget Office, February 2018), [www.cbo.gov/publication/53537](http://www.cbo.gov/publication/53537); and Congressional Budget Office, *How CBO Prepares Baseline Budget Projections* (February 2018), [www.cbo.gov/publication/53532](http://www.cbo.gov/publication/53532), *How CBO Prepares Cost Estimates* (February 2018), [www.cbo.gov/publication/53519](http://www.cbo.gov/publication/53519), and *How CBO and JCT Analyze Major Proposals That Would Affect Health Insurance Coverage* (February 2018), [www.cbo.gov/publication/53571](http://www.cbo.gov/publication/53571).

2. For example, see Jessica Banthin, Deputy Assistant Director, Health, Retirement, and Long-Term Analysis Division, Congressional Budget Office, "An Overview of CBO's Estimates of Federal Subsidies for Health Insurance for People Under Age 65: 2017 to 2027" (presentation at a Congressional Research Service seminar, Washington, D.C., January 10, 2018), [www.cbo.gov/publication/53447](http://www.cbo.gov/publication/53447); and Sarah Masi, Analyst, Budget Analysis Division, Congressional Budget Office, "Estimating the Costs of Proposals Affecting Health Insurance Coverage" (presentation at a Congressional Research Service seminar, Washington, D.C., January 10, 2018), [www.cbo.gov/publication/53448](http://www.cbo.gov/publication/53448).

- Releasing technical documentation and computer code explaining how key parts of CBO's long-term budget model work and how they contribute to the agency's analyses;<sup>3</sup>
- Providing information online that enables users to examine how a large variety of changes in baseline economic projections can affect projections of the federal budget;
- Publishing revised estimates of how certain changes to laws governing medical malpractice would affect medical spending, explaining the reasons behind revisions to the methodology used, documenting the model used to project how those changes to laws would affect medical costs, and making computer code for that model available;
- Posting on the agency's website a tool for examining the costs of different military force structures; and
- Providing computer code that generates results discussed in a working paper about CBO's model of the economy's maximum sustainable output.<sup>4</sup>

In many cases, CBO produces cost estimates and baseline projections through complex processes that integrate information from numerous models and other analytical tools. Additional resources would allow CBO to explain more about those processes in presentations, slide decks, working papers, and reports.<sup>5</sup> Such explanations would show how computer programs used in CBO's modeling

3. For the first of those explanations providing a general description of that model, see Congressional Budget Office, *An Overview of CBO's Long-Term Model* (April 2018), [www.cbo.gov/publication/53667](http://www.cbo.gov/publication/53667).

4. See Robert Shackleton, *Estimating and Projecting Potential Output Using CBO's Forecasting Growth Model*, Working Paper 2018-03 (Congressional Budget Office, February 2018), [www.cbo.gov/publication/53558](http://www.cbo.gov/publication/53558).

5. For several recent examples, see Joshua Montes, *CBO's Projection of Labor Force Participation Rates*, Working Paper 2018-04 (Congressional Budget Office, March 2018), [www.cbo.gov/publication/53616](http://www.cbo.gov/publication/53616); Congressional Budget Office, "Modeling the Subsidy Rate for Federal Single-Family Mortgage Insurance Programs" (January 2018), [www.cbo.gov/publication/53402](http://www.cbo.gov/publication/53402); and Wendy Kiska, Jason Levine, and Damien Moore, *Modeling the Costs of the Pension Benefit Guaranty Corporation's Multiemployer Program*, Working Paper 2017-04 (Congressional Budget Office, June 2017), [www.cbo.gov/publication/52749](http://www.cbo.gov/publication/52749).

fit into the broader scope of the agency's analysis, which consists mainly of identifying how proposed legislation would affect the budget; assessing which types of effects would be substantial enough to quantify; and integrating different types of research, on the basis of historical data, to project people's and institutions' responses to legislative changes. The processes differ from estimate to estimate so that CBO can make the best use of different types of research. The complexity of CBO's analysis and the different analytical tools that are often brought to bear make documentation time-consuming and resource-intensive.

Added resources would also allow CBO to produce other kinds of information that would aid transparency. For instance, CBO could provide more information about the basis for key parameters that underlie the results of models.<sup>6</sup> Additional funding would also help the agency turn its internal comparisons of projections and actual results—for the economy, revenues, spending, deficits, and debt—into public documents.<sup>7</sup>

Input from outside experts and extensive external review will remain an important component of transparency:

- CBO will continue to solicit external professional review of its work so that the agency's analyses reflect both the consensus and diversity of views of experts from around the country. For example, in updating its simulation model of health insurance coverage, CBO will get systematic feedback from the research community by making presentations about different aspects of the model as they are developed.
- The agency's cost estimates will often draw on consultation with outside experts.

6. For example, see Congressional Budget Office, "Key Methods That CBO Used to Estimate the Macroeconomic Effects of the 2017 Tax Act" (supplemental material for *The Budget and Economic Outlook: 2018 to 2028*, April 2018), <https://go.usa.gov/xQcZD>.

7. For examples of such comparisons, see Congressional Budget Office, *CBO's Record of Projecting Subsidies for Health Insurance Under the Affordable Care Act, 2014 to 2016* (December 2017), [www.cbo.gov/publication/53694](http://www.cbo.gov/publication/53694), *An Evaluation of CBO's Past Outlay Projections* (November 2017), [www.cbo.gov/publication/53328](http://www.cbo.gov/publication/53328), *CBO's Economic Forecasting Record, 2017 Update* (October 2017), [www.cbo.gov/publication/53090](http://www.cbo.gov/publication/53090), and *CBO's Revenue Forecasting Record* (November 2015), [www.cbo.gov/publication/50831](http://www.cbo.gov/publication/50831).

- CBO's Panel of Economic Advisers will meet twice a year to provide input on the agency's latest economic forecast and other issues, and CBO's Panel of Health Advisers will meet to discuss key issues affecting the agency's baseline projections and analyses of proposals and to examine new research in health care and health care financing.
- CBO will also regularly consult with those distinguished experts on its panels and other experts for guidance on the agency's work on a broad range of topics.

#### Analytical Capacity

Interest in legislative proposals related to health care—on the part of committees of jurisdiction, the Congressional leadership, and the budget committees—remains very great. The enactment of the Affordable Care Act in 2010 was followed by strong Congressional interest in analysis of that legislation and possible modifications to it, as well as in potential changes to Medicare or Medicaid. Recently, the Congress has devoted substantial time to discussing proposals to repeal and replace the Affordable Care Act. Those developments boosted CBO's workload, and the agency anticipates that the Congress will request much more analysis of such proposals, related executive actions, and other potential changes. Adding health care analysts would help the agency keep up with those interests and developments and produce a greater range and volume of analysis.

In addition to responding to those immediate concerns, CBO is engaged in longer-term projects, analyzing

various aspects of the health care system and enhancing the agency's future analytical capacity to assess the effects of legislation on that system and on the federal budget. Additional staff would enable CBO to make more rapid progress on the important effort of updating its simulation model of health insurance coverage without constraining its work on current legislative proposals.

In closing, I would like to thank the Committee for its long-standing support of CBO. That support has allowed CBO to provide budget and economic analysis that is timely, thoughtful, and nonpartisan as the Congress addresses issues of critical importance.

This testimony summarizes information in CBO's budget request for fiscal year 2019, which was prepared by Mark Smith, with contributions from Leigh Angres, Joseph E. Evans, Jr., Deborah Kilroe, Jeffrey Kling, Cierra Liles, Terry Owens, Benjamin Plotinsky, and Stephanie Ruiz.

Mark Hadley and Robert Sunshine reviewed the testimony, John Skeen edited it, and Casey Labrack prepared it for publication. It is available on CBO's website at [www.cbo.gov/publication/53708](http://www.cbo.gov/publication/53708).



Keith Hall  
Director



*Keith Hall*

Keith Hall became the ninth Director of the Congressional Budget Office on April 1, 2015. He has more than 25 years of public service, most recently as the Chief Economist and Director of Economics at the International Trade Commission (ITC). Before that, he was a senior research fellow at George Mason University's Mercatus Center, the Commissioner of the Bureau of Labor Statistics, Chief Economist for the White House's Council of Economic Advisers, Chief Economist for the Department of Commerce, a senior international economist for the ITC, an assistant professor at the University of Arkansas, and an international economist at the Department of Treasury. In those positions, he worked on a wide variety of topics, including labor market analysis and policy, economic conditions and measurement, macroeconomic analysis and forecasting, international economics and policy, and computational partial equilibrium modeling. He earned his Ph.D. and M.S. in economics from Purdue University.



## PRIORITIZATION OF COST ESTIMATES

Mr. YODER. I appreciate your testimony, Director Hall.

In your testimony you mention that last year, CBO completed 740 cost estimates, formal cost estimates?

Dr. HALL. That is correct.

Mr. YODER. That is the highest number in a decade, I think you said, with the average completion time of 25 calendar days. How do you prioritize cost estimates?

Dr. HALL. Really, we look to committees. The basic logic is that legislation that is close to getting to the floor on a vote needs the most priority, and so we focus on the priorities of committees. We actually ask committees what their priorities are and look at their legislation.

That is also consistent with how we were created. We were created to be responsive to the Budget Committee, Ways and Means, et cetera. So we very much are a committee-oriented organization, and this actually creates a lot of frustration with us because we only have resources to work for committees. We don't work as much as we would like for individual Members, so that is sort of how we prioritize things by literally talking to committees.

Mr. YODER. So if a Member doesn't have the committee's endorsement to get something scored, how would they ever get a cost estimate of that legislation?

Dr. HALL. Well, if we have got time, we can do it. And, in fact, that is actually part of what I hope we could—we could do more of that if we have more resources. This is part of the responsiveness.

But lots of times, individual Members just have to wait. We literally will go back to a committee and ask the committee—if we are busy, ask the committee, should we make this a priority? Where should this be in our priorities? And sometimes we have to disappoint Members.

Mr. YODER. Well, and I am sure that happens a lot. I mean, there are thousands of bills that are, you know, crisscrossing around here, some of which might be interesting to get a cost estimate of, but that will maybe never even see the light of day, certainly never get a hearing, don't have many cosponsors.

But I do think that there needs to probably be a mechanism for Members who have demonstrated that legislation has buoyancy in and of itself outside the committee process. You know, we, for example, have a bill that has 322 cosponsors. That is a lot.

Dr. HALL. Right.

Mr. YODER. That maybe even one of the most cosponsored bills in Congress. Yet, when my staff exchanges with you on this legislation, essentially the office has stonewalled us, indicated they can't score it, and then just responding to requests to engage.

So my own experiences, outside of working directly with you, sir, and during and meeting some of your very fine people, that is not a very good correspondence, you know, a very good experience.

And part of our job here is oversight, to ensure that we are working on behalf of all the Members, and not just the Appropriations Committee, or not just the Judiciary Committee. And so, one of the things I think we are really going to need to look at is how we

make the CBO responsive to initiatives for individual Members who have demonstrated that legislation has buoyancy or has support.

Maybe there is a threshold. I mean, if someone brought you 435 cosponsors, would that be enough, you know? I mean, there ought to be some demonstration. Maybe if you have 100 people that have sponsored your legislation, that goes into another category. But I would think 322 would at least demonstrate the need for some acknowledgment that that might be of value to have it scored.

The other problem with that is, in some cases, you need to have the cost estimate in order to move something through the committee process. So you sort of have a chicken-and-egg problem here. And I understand it is a resources-driven situation, but, you know, these loose ends create frustration for rank-and-file Members.

Dr. HALL. I appreciate that. Hopefully, we can figure a way out to prioritize more of that work. You know, maybe we can set aside a certain share of our time for just non-committee work so we actually have some time carved aside, some things like that. That sort of thing is the sort of—what we are sort of hoping to do with increasing our staff a little bit.

Mr. YODER. Do you think my team's interaction with the CBO in that experience is common, or is that a unique, inexplicable result? Do you find that surprising, or do you find that, yeah, that is sort of how it goes, we are inundated with so much stuff that we know there is a lot of loose ends and maybe not even return calls, et cetera.

Dr. HALL. I am afraid it is somewhere in between. It is not absolutely unique. It does happen. It doesn't happen very often. But I know it is frustrating. For example, we should never stop responding. And I think Members should always feel free to call me to see—to get an explanation for where our priorities are and we can talk about what we can.

One of the things that is a little tricky for us is so much of our work is informal. And when it is informal and a committee asks us not to talk about it, for it to be confidential, I can't tell you what we are working on sometimes other than assure you that we are busy. And that is kind of frustrating.

Mr. YODER. Well, I think it is to the benefit of Congress that the CBO is a viable and trusted entity. As Mr. Ryan noted in his comments, sometimes the results frustrate, you know, both sides of the aisle. That is to be expected.

You know, we have added additional transparency requirements in our 2018 report, which you referenced in your opening comment. You know, your thoughts and our ability to work with you and if it is a resource—I know you mentioned resources as part of this but, you know, to gain that trust part of that is transparency.

Dr. HALL. Sure.

Mr. YODER. And, you know, CBO's score is as good as bipartisan trust exists.

Dr. HALL. Right.

Mr. YODER. Right? And if one side isn't going to regard it as viable, then CBO starts to lose its effectiveness.

So I encourage colleagues on my side of the aisle, you know, and whoever is in the majority and minority, to work with the CBO to

make it more effective, where they have concerns to raise those with you, and to make it more viable, because the CBO is necessary, I believe, in this process. Their cost estimate process is critical.

So with that, Mr. Ryan.

#### IMPACTS OF HEALTHCARE PREVENTION

Mr. RYAN. Thank you, Mr. Chairman.

So you mentioned you are going to hire more healthcare analysts in the next couple of years. One of the longstanding discussions we had during the healthcare reform debate was about preventative healthcare—I think we are going to get in the weeds a little bit here—because it was a frustrating thing for us to kind of deal with at the time, that there is an inability of CBO to account for savings through prevention in the healthcare system.

Can you explain to me how that is—why that is an issue?

Dr. HALL. Sure. Sure. It is not that we don't try. We really do look very carefully to see if there is some savings from preventative healthcare. One of the difficulties for us is having evidence of that, having really solid evidence that we have got something to lean on about how much impact the preventative healthcare has.

And there is another side to it. I think it is easy to underestimate the cost of preventative healthcare sometimes. For example, if you provided additional healthcare to a large number of people, and a small share of them really benefits, it is still a small share of the spending.

And so, that is one of the things that I think people don't often think about is a lot of preventative work doesn't actually make its way into better healthcare. Even though it does for individuals, it doesn't necessarily for the entire spending.

But we are serious about trying to look at that. We really do try to look for savings on that. There wasn't this year, but the year before, I think we have even used our blog post to talk about how we are limited in some preventative healthcare issues, and we would love to see some research that would help us use that in our estimates.

Mr. RYAN. What can we do to help?

Dr. HALL. Oh, I think continue to make that a priority. You know, I think—

Mr. RYAN. I mean, who do we need to contact? Do we need to coordinate this with HHS? Are there research institutions that are out there that we can engage with? I just think, I mean, moving forward, regardless of where you stand on healthcare, I mean, we should know as a country how much we are going to save if we have a robust preventative program, regime established for our citizens. I mean, how can we probably move forward with healthcare reform, whether you want to do their side or our side or whoever's side, who can we help you engage with?

Dr. HALL. Well, I think certainly talking to HHS and talking to individual researchers that this is a priority, because so often we are left with really just no evidence on what the effects of some preventative healthcare will be.

Mr. RYAN. And that is just mind-boggling to me. You know, I am not trying to be a jerk, but I am just saying, you know, how are

we, in 2018 in the United States of America, and we can't figure out how much savings we can garner from making sure that people have preventative healthcare, you know, given Medicare and Medicaid and what we know about screenings? I think we need to make this a priority because, moving forward, health care is going to continue to be an issue. So I made my point.

A follow-up question would be, are there any other areas of our economy, programming that you feel the same, somewhat the same frustration in your analysis and that your analysts may feel?

Dr. HALL. Sure. Actually, there are lots of areas. One of the bigger ones, it comes up almost every time we have our budget and economic outlook that we produced last week, is we continue to sort of adjust the cost of healthcare, of Medicaid in particular. We keep overestimating the cost of it. It keeps coming down.

And the big problem is, we don't know why. And so, it is hard to change the forecast if you don't know why it is coming down. It is just coming down. So we actually are trying to—

Mr. RYAN. Medicare or Medicaid?

Dr. HALL. Medicaid.

Mr. RYAN. Medicaid.

Dr. HALL. Medicaid in particular. But, you know, that is a big part of the budget, and we hate to see ourselves overestimate the cost, you know, more than once or twice because we would like to sort of get a good—a better estimate.

And we are handicapped because there just isn't any evidence of why that is happening. So that is one of the things we are trying to prioritize. It is an example, I think, of what you are talking about.

Mr. RYAN. Mr. Chair, maybe there is an opportunity for us to sit down with the money we spend at NIH and some of these research institutions, the Department of Defense spends a lot of money on research, private university—private corporations spend a lot of money on research. Maybe there is a way for us to coordinate this so that we can just have a better understanding of what is working, what is not working.

I am the first to say, if there is something that we are pushing that is not working, stop doing it. But we have to base that on some good information.

Dr. HALL. Well, we would be happy to sit with you and talk a little bit about some priorities. We can certainly tell you where we feel like we would like some help, the extra help in terms of research that would help us more accurately score things like preventative healthcare.

Mr. RYAN. Okay. Follow up on that.

Thank you, Mr. Chairman.

Mr. YODER. Mr. Taylor.

#### OUTLOOK OF ECONOMIC FORECASTS

Mr. TAYLOR. Thank you, Mr. Chairman.

Thanks for being here. Appreciate it. I know you don't have an easy job, and like Congressman Ryan said, you have got your feet up on both sides sometimes, you know.

CBO, do you routinely look back at previous estimates and compare those to actual outcomes? If so, what is your internal process

for reevaluating those estimate models, and then how do you incorporate your findings going forward?

Dr. HALL. Sure. Well, we do it in a big sense. Every couple of years, we look at our economic forecast, how has our forecast gone? We have also now completed recently a report on how accurate our overall forecast on outlays has been, and then also, revenues has been. So we get this big picture of what is the average error from our baseline.

We are also starting to pick out particular bills and start to look back and sort of see how we did on those. We are always going to have a limitation, because so often a change in legislation is part of a bigger budget category and is very hard to isolate the effect of that change in the legislation.

But we are starting to do that more when we can. For example, we just did it with our estimate of the ACA. We just took a really hard look about how well we did on that forecasting, and we actually made a presentation at CRS on it. But we do have some information on that. We are trying to do that more and more.

And as part of our routine, this doesn't become public, but every year we go through all our budget categories and talk with the analysts and see how they did that year, how their budget category did. Was it up too high? Too low? And we talk about that, and that is actually part of their evaluation, and then we will discuss their modeling if they need to adjust things like that.

Mr. TAYLOR. On that note for modeling methodologies, is that just an internal process, or do you reach out to, like, academia and other financial researchers that are experts to sort of have an independent evaluation to make sure that you guys are on track?

Dr. HALL. Well, we use those folks routinely for almost anything we do. Anytime we do research reports, we reach out and have them review things and get feedback that way. And, you know, certainly, when we did those larger studies about how accurate have we been in forecasting revenues, for example, we have that reviewed by outside folks who have some expertise.

So we try to engage in that way. We have a panel of economic advisers that we meet—meets twice a year, and we routinely throw important topics in front of them. We also have a panel of healthcare advisers. So, for example, we were concerned about our estimate of the effects of the individual mandate. Well, last fall we made a presentation to our advisers and got comments and got some info as to whether they thought we were being accurate or not.

Mr. TAYLOR. What happens if you are inaccurate or when you look back and when your cost estimates are widely off, not because of, you know—perhaps, obviously, there is different budget things and other things that happen. What if you got it really wrong? Like who do you communicate that to? Do you talk to Members of Congress? Do you talk to folks like, Hey, we really got this wrong and this is why?

Dr. HALL. Well, we are certainly willing to do that. We don't have a formal process for doing that. You know, our first notion is to try to fix what we are doing so we get it correct.

I will tell you, one of the things that we are going to do that maybe fits into that category, I mentioned that once a year, I go

through all our budget categories and do an analysis of how we did. It is something we call the analysis of actuals. We are actually going to start making that public every year. So you can actually just look at how we did by budget category, you know, in 2017, and sort of see how we did budget category by category, give you some feedback that way about how we are doing.

Mr. TAYLOR. And then for your average time, was it 25 days, I guess?

Dr. HALL. Right.

Mr. TAYLOR. What is your goal? And then if you are not meeting that goal, why, and what are you doing to meet the goal?

Dr. HALL. Well, the tricky part is different pieces of legislation have wildly different complexity and time frames. Basically, our process has us doing what I sort of feel like is due diligence, where we spend some time looking at the legislation carefully, talking with folks who understand exactly how the legislation is going to work, and that is a big part of the cost estimate.

You know, we reach out to experts. We reach out to the administration folks who are going to be implementing it. So we have this process where we are working hard to get comfortable with what we think the impact will be. And then, it is a judgment call that, well, okay, we have done enough work, time to write it up and send it out.

So it is this little process. And, you know, sometimes the time frames are really short. We get really rushed. And we still try to maintain a certain level of quality, but sometimes it is harder to do than others when we are pressed for time.

Mr. TAYLOR. Thank you.

Thank you, Mr. Chairman.

Mr. YODER. Ms. McCollum.

#### SCORING ON PREVENTATIVE HEALTHCARE BILLS

Ms. MCCOLLUM. Thank you, Mr. Chair.

As Ranking Member Ryan said, healthcare will be in your future. I want to go back to healthcare. So I think there are places out there we can look at prevention. It maybe makes it hard for you to score in a very large bill, but I think figuring out a way to break it down, I would cite the Mayo Clinic, for example, with all of its research over the years.

The CDC—I mean, the CDC knows if you have a flu shot, your emergency room trips, which not only—and insurance companies can figure that out too. So, I mean, there are some preventative interventions that are out there that are well-known. And diabetes is starting to become on an up ramp where we are having more and more success in figuring out what to do with that.

I am going take this to the Indian Health Service, and maybe figure out if this is a place where we can start. The chairman and I—and it is nonpartisan on the committee, as the other members of the appropriation knows, it is a way that we work on this.

So I will just give you a snapshot. So an Indian healthcare hospital is going to be 40 years old. Any other hospital, without having—would have had revisions or things done to it within the last 10 years.

An Indian healthcare hospital is going to maybe have an old—and I have seen them—an old x-ray machine. Any other hospital might, depending upon how old it is, would have a CAT scan.

An Indian healthcare hospital might not—or clinic might not be very well connected to the internet where it could provide telemedicine. Rural hospitals have found that if they are going to survive and really do quality patient care, they have to have telemedicine available to them.

So you start out with all those inequities and then you start looking at the outcomes that Indian healthcare service has. Then you look on top of that, if you just graduated from medical school, are you going to go to the 40-year-old hospital that has the old x-ray machine? So then you start having problems retaining doctors, nurses, nurse practitioners, PAs, technicians. It just goes on and on and on.

Now, here is where we know it affects our budget. Someone on an Indian reservation—Mr. Stewart has had some great examples—has a—sustains a head injury. Come into the clinic, we don't have anything to look at that head injury. What are we going to do? We have to call air transport in to transport you out to get an x-ray, or to have the right machine do the scan, and maybe you need no further intervention. Oh, and now you have to come back.

So I think there are some things out there, if we want to try to look at small bites to work together on that—on it, because we have treaty and trust responsibilities to get this right. We are totally failing.

And now we are having hospitals that are falling out of compliance, which means we can't be reimbursed when we have patients there. So it is—we are seeing that cycle before our eyes now that we finally started bipartisanly, non-partisanly collecting information, working with the tribal communities on this.

Another area where there is clear healthcare disparities is in maternal child health among minority populations, whether it is urban or rural. And we know what the outcomes are for hospitalization. We know what the outcomes are for low birthrate and everything else that is in there.

So I think, you know, to Mr. Ryan's point—and I think there are a group of us—just let's not get into whether it is single health payer, the Affordable Care Act, ObamaCare, RyanCare, TrumpCare, whatever you want to call it.

I think some of us need to start saying that we have a responsibility of using information that is in front of us on healthcare to lower costs, because it will lower cost for Medicaid, Medicare; it will lower cost for Indian Health Service; it will lower cost for the DOD; it will lower cost for the BA, and that means that we start reaching better parity.

If someone wanted to put a group together to talk to you about how we would narrow the silo down so that we could look at it, to the chairman's point, you know, trying to get a reporter to get you to work on something—through no fault of your own. You are over-worked—is very difficult.

What would be your recommendation to those of us on the Appropriations Committee? And Energy and Commerce in a non-

partisan way is working on this too, especially with Indian Health Service.

Dr. HALL. Well, I think certainly expressing interest to us. And one of the things I think we should try to do a lot better, and that is, just when you have an interest in talking about one of these topics, we can send folks in and just talk with you about it, how we think about the effects of some of these things, how we think we might approach it.

One of the things that we wind up doing—again, it is too much for committees, but so much of our time is spent in this sort of technical assistance, where we are helping committees think through the possible legislation, draft pieces of legislation. I think that is really important.

And this is the sort of thing, I think, could help individual Members more if we did more, where we could come in and talk to you about.

Ms. MCCOLLUM. So one of the things that we ran into, and it is a term called “dynamic scoring,” so when we do have some of these preventions that we know will save money, we weren’t allowed to do it because we were told there were prohibitions on dynamic scoring. Is that correct, on healthcare?

Dr. HALL. No. No. In fact, we are directed to use dynamic scoring for any piece of legislation that is significantly large, and then we are required to do it whenever one of the Budget Committee chairs asks us to do it to the degree it is possible.

Ms. MCCOLLUM. So the tax bill was dynamically scored, I understand.

Dr. HALL. Right.

Ms. MCCOLLUM. And so if someone had a piece of healthcare legislation, it could be dynamically scored is what you are telling me?

Dr. HALL. That is right. Now, the tricky thing for us would be does dynamic scoring really makes a difference when it is a big piece of legislation. When it is smaller, there can be some dynamic effects, but they are much harder to estimate.

But we are willing to look at it and talk about that. But we are not constrained on the dynamic scoring. In fact, I kind of wish we were used a little bit more for the dynamic—

Ms. MCCOLLUM. Well, the tax bill was pretty big, so I think I can come up with a piece of legislation smaller than that, Mr. Chair. Thank you.

Mr. YODER. Thank you, Ms. McCollum.

Director Hall, thank you for your appearance course, as we put together the pieces of the 2019 budget puzzle.

The subcommittee stands in recess until April 25 at 1:00 p.m., at which time we will receive testimony from the Government Accountability Office.

Meeting adjourned.

[Questions for the record follow:]



**Answers to Questions for the Record  
Following a Hearing on CBO's Appropriation Request for Fiscal Year 2019  
Conducted by the Subcommittee on the Legislative Branch,  
House Committee on Appropriations**

*On April 18, 2018, the Subcommittee on the Legislative Branch of the House Committee on Appropriations convened a hearing at which Keith Hall, Director of the Congressional Budget Office, testified about CBO's appropriation request for fiscal year 2019.<sup>1</sup> After the hearing, Chairman Yoder submitted questions for the record. This document provides CBO's answers. It is available at [www.cbo.gov/publication/53831](http://www.cbo.gov/publication/53831).*

**Question.** You mentioned in your written testimony that last year CBO completed 740 formal cost estimates, the highest number in a decade with the average completion time of 25 calendar days. Do you believe last year was an anomaly due to the healthcare reform debate or do you see this many becoming the new norm?

**Answer.** The unusually high number of formal cost estimates that CBO completed in fiscal year 2017 was not driven by legislation affecting health care. CBO does not expect to produce that many in the future. For example, in fiscal year 2019, CBO expects to complete about 650 formal cost estimates, which is the recent average.

In 2017, less than 10 percent of the estimates that CBO prepared were for health-related bills. Legislative requests associated with proposed changes to the health care system contribute significantly to CBO's workload, but the volume of that work is best considered in terms of the complexity of the analysis that is required and the variation in preliminary drafts that CBO receives, rather than the number of formal cost estimates.

The number of formal cost estimates that CBO prepares is driven by the number of bills that all authorizing committees mark up and report for consideration on the floor of each chamber. In 2017, about a quarter of those estimates were for bills from three committees: the House Committee on Natural Resources (80), the Senate Committee on Energy and Natural Resources (67), and the House Committee on Financial Services (48).

**Question.** In your budget request you advocate for the inclusion of an administrative provision providing CBO with relocation reimbursement authority. If provided, how much do you envision CBO spending on this each year?

**Answer.** Though the amount needed from year to year would vary with CBO's hiring needs, the agency anticipates spending less than \$100,000 per year.

1. See testimony of Keith Hall, Director, Congressional Budget Office, before the Subcommittee on the Legislative Branch of the House Committee on Appropriations, *CBO's Appropriation Request for Fiscal Year 2019* (April 18, 2018), [www.cbo.gov/publication/53708](http://www.cbo.gov/publication/53708).

**Question.** Do you believe you are losing potential employees because this is not currently offered?

**Answer.** CBO faces considerable competition in attracting and retaining highly educated and skilled employees. Many of the agency's competitors for those employees—which include other federal agencies, universities, and private companies—have the ability to offer relocation reimbursement to new hires. Furthermore, there is a substantial gap between what CBO can pay and what its competitors can. For example, in recent years, the Federal Reserve has paid about \$35,000 more than CBO can to newly minted Ph.D. economists and provided for their relocation as well. In CBO's assessment, the requested authority will enhance its competitiveness when recruiting top talent.

**Question.** Would this be done on a case-by-case basis or offered to every new employee moving from outside the area?

**Answer.** CBO would implement the authority on a case-by-case basis and would restrict those cases to positions that were difficult to fill. The agency also anticipates implementing the authority with limitations similar to those in the executive branch.

**Question.** Would you have a dollar cap per move?

**Answer.** Yes. During fiscal year 2019, \$10,000 per new employee would be an effective cap.

**Question.** It is our understanding that you recently relocated your servers that were housed in an on-site hosting environment to a new location. The move was necessitated by the Ford House Office Building datacenter being decommissioned. Are you comfortable with CBO's current IT posture?

**Answer.** Yes. CBO has made significant enhancements to its information technology (IT) posture during the past year to improve the reliability and accessibility of its IT resources. In the first phase of the migration of the data center, CBO's servers were moved off-site. In the final phase of the effort, CBO will further improve its IT posture by ensuring access to IT resources in the event of a disaster.

**Question.** Do you see any substantial changes required in the near future? (Changes could include major new software or hardware, or storage expansion to accommodate more complex modeling.)

**Answer.** CBO continues to budget for efforts to move more of its IT infrastructure to the cloud. Such moves enable the agency to provide IT resources for complex modeling more quickly and efficiently.



WEDNESDAY, APRIL 25, 2018.

**U.S. GOVERNMENT ACCOUNTABILITY OFFICE**

**WITNESS**

**GENE L. DODARO, COMPTROLLER GENERAL OF THE UNITED STATES**

Mr. YODER. The subcommittee will come to order.

Today, I would like to welcome the Government Accountability Office. Testifying before us, we have Gene Dodaro, the Comptroller General of the United States.

The GAO, often referred to as the Congressional watchdog, is tasked with the investigating how the Federal Government spends taxpayer dollars in an effort to ensure accountability of the Federal Government for the benefit of the American people.

The GAO estimates that for every \$1 invested, \$128 of potential savings government-wide is identified, which total over \$73 billion in fiscal year 2017. So maybe we can give you a \$1 billion and we could solve all of our problems.

You give it a shot? If it were only that easy.

Your budget request submitted to the President is \$616 million, and I understand now that the fiscal year 2018 omnibus has become law, and your revised request is flat.

And with that, thank you for attending today. We are going to take your testimony in a minute. But first, I would like to yield to my good friend and colleague from the great State of Ohio, Mr. Tim Ryan.

Mr. RYAN. Thank you, Mr. Chairman. Mr. Dodaro, thank you for being here. We appreciate your work. You play an essential role in helping Congress exercise its oversight responsibilities, not only in pushing government programs to run more efficiently and effectively, rooting out waste, fraud and abuse, but also in keeping an eye on government officials who try to skirt the law.

In the recently passed 2018 omnibus, we intentionally funded GAO at a level that will allow them to reach 3,100 full-time equivalent employees again, well below their peak personnel levels, but high enough that they feel they can do the job adequately. And I am pleased to see that while they ramp up their hiring to reach 3,100 FTEs, GAO is also able to fund IT modernization and investment in their building and infrastructure.

So, Mr. Chairman, with that, I will yield back. And we will hear from our distinguished guest.

Mr. YODER. All right. Thank you, Mr. Ryan.

Mr. Dodaro, your complete statement will be made part of the record, so feel free summarize your remarks at this time.

Welcome to the committee.

## OPENING STATEMENT

Mr. DODARO. Thank you, Mr. Chairman. It is a pleasure to be here. Ranking Member Ryan.

I would like to first start out by thanking this committee for the support that you provided for our fiscal year 2018 budget.

That budget, as both of you noted, will enable us to meet priority needs of the Congress, but also make investments on our information technology and infrastructure operations in GAO.

This will help improve our communications, data management efforts, allow us to prepare parts of the building to rent out; this will allow us to generate additional revenue.

With the investments in IT modernization, we will reduce our future operating cost such that we didn't ask for any additional money for 2019.

So if we are held flat, we will achieve the 3,100 FTE level by re-directing operational savings from IT investments and bring additional staff into GAO.

With 3,100, we will meet the highest priority needs of the Congress. As you know, we serve all the committees in the Congress. We will focus increased resources on four specific areas that I think are very important.

One, is cybersecurity. I am talking not only about the information systems that the Federal Government operates, but how the government works with the private sector to protect critical infrastructure like the electricity grid as well as personally identifiable information.

I am also concerned that we are into a new evolution of cybersecurity issues with the Internet of Things such as autonomous vehicles. In addition, we are moving to an air traffic control system that will be satellite-based, not radar-based. This will be a more open system.

Anything that is connected to the Internet, while it is going to improve services, is going to have security issues. GAO has been playing a leading role in this area and I think we can continue to do so.

Second would be increasing our resources in science and technology. This not only would help us bolster our technology assessment capability at GAO, which we have demonstrated the ability to do, but would also help us in a number of other areas where science and technology is infused into our normal work.

For example, in Defense, we are looking at the new Columbia class nuclear submarine, investments in satellite technology, space-based technologies, technologies to improve homeland security to detect radiological intrusions, or biochemical attacks on the United States, as well as other homeland security issues. We are looking at the medical area as well. We just completed a technology assessment on new technologies to rapidly detect infectious diseases so that quick action could be taken in those areas.

Third is Defense. Congress has increased investments in Defense, and so we need to focus our oversight to ensure that money is invested properly. I have been concerned about the readiness levels. We have also done work in weapon systems acquisitions on the

joint strike fighter and other areas. Defense is also undergoing their first ever financial audit of the entire Defense Department.

We are helping oversee that. I would really like to see them have a proper accounting of all their funds. They are the last major department in the Federal Government that hasn't been able to pass an audit. So we are prepared to help them. These additional resources would help.

Last is healthcare costs, which is the fastest growing part of the Federal budget. We have done work in the past in this area not only in access to services, but also trying to reduce some of the improper payments in Medicare and Medicaid.

Last year there were tens of billions of dollars, over \$70 billion, in improper payments in those programs. We have a number of our high-risk areas in those areas. Veteran's healthcare is also a high risk area. There are healthcare issues that we could review. We do work at FDA regarding food safety and medical device safety, as well as Medicare, Medicaid, and normal healthcare expenditures. Those would be our priorities.

#### ACCOMPLISHMENTS

As you noted, Mr. Chairman, we are a good investment. We provide a great return on that investment. In addition to the numbers you mentioned, about 128 to 1 for last year, over the last decade, our high-risk program has brought financial benefits to the government of over \$240 billion. Work we have done on overlap, duplication and fragmentation of the Federal Government so far has saved over \$136 billion. I will be testifying tomorrow on our 8th annual report in that area. Those numbers will go up. Additional savings have been realized as a result of our work.

We still have over 300 open recommendations. There are billions of dollars that could be saved through the full implementation of our recommendations.

I know you always give careful consideration to our request. I appreciate that very much. I would be happy to answer any of your questions.

[The prepared statement follows:]



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United States Government Accountability Office

Testimony

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

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For Release on Delivery  
Expected at 2:00 p.m. ET  
Tuesday, April 17, 2018

**FISCAL YEAR 2019  
BUDGET REQUEST**

**U.S. Government  
Accountability Office**

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

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Chairman Yoder, Ranking Member Ryan, and Members of the Subcommittee, thank you for the opportunity to discuss our fiscal year (FY) 2019 budget request. I very much appreciate the confidence this subcommittee has shown in supporting our efforts to serve the Congress and improve government performance, accountability, and transparency.

Since 2014, this Committee has provided funding that has resulted in our work achieving over \$265 billion in financial benefits and more than 5,000 other improvements in federal programs and government operations. Last fiscal year alone, our work generated almost \$74 billion in financial benefits and 1,280 program and operational improvements across government. This resulted in a return of \$128 for every dollar invested in GAO. GAO's work was also incorporated into appropriation and authorization legislation passed over the past year, including requirements for federal agencies to implement GAO's recommendations.

I also thank the Committee for its support for our FY 2018 appropriation. We have revised both our FY 2018 operating plan and our FY 2019 request to reflect the new appropriation level, including the disaster assistance supplemental funds we received. In FY 2018, we will begin hiring additional staff, achieving a full-time equivalent (FTE) level of 3,020 and positioning us to reach 3,100 FTE in FY 2019. The funding level will also allow us to invest in information technology and building facility projects that will improve efficiency and reduce long-term operating costs.

Our FY 2019 request is at the same funding level as FY 2018. With these resources, we will achieve a staffing level of 3,100 FTE, allowing us to better serve Congress as it addresses many critical domestic and international challenges and fulfills its oversight responsibilities, as well as enable GAO to continue making important contributions to improving government performance and accountability.

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## Fiscal Year 2019 Request

GAO is requesting budget authority of \$614.8 million for FY 2019. This will fund the necessary activities to continue to meet the highest priority needs of the Congress. The funding will allow us to cover mandatory pay and inflationary cost increases, and achieve increases in our on-board staff. The request includes an appropriation of \$578.9 million and \$35.9 million in offsetting receipts and reimbursements from program and financial audits, rental income, training fees, bid protest fees, and funds provided to GAO for mandated work.

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The Congressional Budget Justification (CBJ) submitted in January presented a FY 2018 direct appropriation of \$540.8 million plus \$33.0 million in offsets reflecting the continuing resolution level. To avoid exceeding this level and out of uncertainty about the final appropriation, we developed a prudent hiring plan that would have resulted in 2,900 full time equivalents (FTE) in FY 2018.

With the two-year budget agreement and funding enacted for FY 2018, including \$10 million in 2-year funding for information technology and building infrastructure projects, we revised both our FY 2018 operating plan and our FY 2019 budget request. The information technology investments lower our operational costs in the long run and the investments in infrastructure will allow us to bring in a new tenant and increase our rental revenue. This will allow GAO to put more funds into human capital in the future. We now plan to accelerate hiring for the rest of this fiscal year. The revised plan will put us in a position to achieve 3,100 FTE in FY 2019 without an increase over the FY 2018 appropriation level, moving GAO closer to its optimal staffing level of 3,250 FTE. The chart below provides a summary by program for the revised FY 2019 request.

**Table 1: FY 2017 – 2019 Summary of Resources by Program (dollars in thousands)**

Program	Fiscal Year 2017		Fiscal Year 2018		Fiscal Year 2019		Net Change (FY 2019/2017)	
	FTE	Appropriation	FTE	Appropriation	FTE	Appropriation	FTE	Appropriation
Human capital	2,944	\$571,828	3,028	\$468,388	3,168	\$618,987	264	\$47,159
Engagement support		\$10,452		\$12,750		\$12,750		\$0
Infrastructure operations		\$90,091		\$112,171		\$85,470		(\$26,701)
Center for Audit Excellence		\$545		\$500		\$500		\$0
IGMT budget authority	2,024	\$470,319	2,022	\$416,917	2,028	\$614,987	4	\$141,668
Offsets		(\$38,388)		(\$38,388)		(\$38,388)		\$0
<b>Appropriation</b>		<b>\$543,851</b>		<b>\$578,917</b>		<b>\$578,917</b>		<b>\$0</b>
								<b>0.0%</b>

Source: GAO. | GAO-18-448T

\*Includes offsetting receipts and reimbursements from program and financial audits, rental income, training fees, bid protest fees, and funds provided to GAO for mandated work and funds from the disaster supplemental.

### Meeting the Priority Needs of Committees Across Congress

The resources we received for FY 2018, and request for FY 2019, will allow GAO to continue to respond to Congress on a wide variety of issues covering the full breadth of the federal government's responsibilities. In addition, with increased staffing we will: 1) expand our focus on critical cybersecurity issues and the threats to the nation's critical infrastructure; 2) continue our focus on a range of rapidly evolving science and technology issues; 3) bolster our reviews of the increased investment in Department of Defense programs; and 4) assess the challenges associated with growing federal health care costs. In FY 2018, we plan to utilize 3,020 FTE, an increase of 120 over the level included in the CBJ. In FY 2019, we plan to utilize 3,100 FTE, an increase of 80 over the revised FY 2018 operating plan.

The FY 2018 operating plan and FY 2019 budget request reflect the utilization of the disaster supplemental. Currently GAO has eight audits under way and another 15 planned to start over the next 18 months. These audits involve multiple mission teams and range from reviews of Puerto Rico and US Virgin Islands economic and disaster recovery plans;

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fraud risk management in Florida and Texas disaster assistance programs; and the federal response to the 2017 Western wildfires. Currently, we plan to use \$8 million of the disaster supplemental in FY 2018 and FY 2019 (approximately \$2 million and \$6 million, respectively).

**Cyber-Based Threats to the Nation's Systems and Critical Infrastructure** – The cyberattacks suffered by the Office of Personnel Management, Equifax, and other large organizations in recent years highlight the criticality of more effective cybersecurity. Threats from state and non-state actors are growing in sophistication and scope and can have a serious, or even potentially catastrophic, impact on federal systems, the nation's critical infrastructure, and the privacy and safety of the general public.

As Congress turns to GAO for insightful analysis and advice to address these rapidly evolving threats, recruiting top-tier cyber talent to augment our current audit workforce is critical. GAO plans to recruit talent from leading cybersecurity-related undergraduate and graduate institutions, including those participating in the CyberCorps Scholarship for Service program. This would augment our existing cadre of experts who can assess the nature and extent of cyber risks, both present and future, as well as evaluate the government's complex and multi-faceted attempts to address them.

In particular we plan to continue our focus on ensuring the security of federal information systems and cyber critical infrastructure,<sup>1</sup> two key components of our cyber High Risk area. Over the next 2 years, our planned efforts include assessing government-wide initiatives to implement continuous diagnostics and monitoring capabilities, establish effective risk management processes at federal agencies, and work with the private sector responsible for critical infrastructure.

Other planned activities include evaluating key agency capabilities for responding to security incidents and data breaches, as well as assessing

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<sup>1</sup> Critical infrastructure includes systems and assets so vital to the United States that incapacitating or destroying them would have a debilitating effect on national security. These critical infrastructures are grouped by the following 16 industries or "sectors": chemical, commercial facilities, communications, critical manufacturing, dams, defense industrial base, emergency services, energy, financial services, food and agriculture, government facilities, health care and public health, information technology (IT), nuclear reactors, materials, and waste, transportation systems, and water and wastewater systems.

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their security postures through detailed vulnerability assessments and penetration testing of agency network defenses. For example, the Explanatory Statement accompanying the 2018 Omnibus Appropriations Act required GAO to evaluate information security at the Office of Personnel Management and the Securities and Exchange Commission, both of which have had recent major data breaches.

Regarding the protection of cyber critical infrastructure, we plan to focus on the cybersecurity of specific sectors, such as the electricity grid, and oil and gas pipeline subsectors, and evaluate the effectiveness of the public-private partnership model as a framework for protecting the nation's critical assets from cyber threats.

**Impact of Scientific and Technological Advances** – Rapid advances in science and technology play an important role in our society as they can impact economic growth as well as the social and environmental well-being of the United States. Although such advances will remain central to the prevailing issues of our day, including economic competitiveness, improved medical care and the prevention of disease, and information security, the ability of the United States to lead these advances is increasingly challenged.

Given the persistent and growing demand for this technical work, GAO strives to continue to build our staff capacity in this growing area. We now have developed best practice guides related to capital project cost estimating, project scheduling, and assessing technology readiness, and will apply these guides in assessing multi-billion dollar federal projects at agencies including the Departments of Defense, Homeland Security, Energy, and the National Aeronautics and Space Administration.

We plan to expand and accelerate our work including potential technology readiness assessment evaluations of complex technical acquisitions such as the Columbia class Navy nuclear submarine, the Joint Strike Fighter, the James Webb Space Telescope, DHS border protection technologies, and Uranium Processing Facility. Strategic technology reports on artificial intelligence systems, freshwater technologies in agriculture, sustainable chemistry, and antibiotic-resistant bacteria will be completed or initiated by FY 2019. Based on interest expressed by various Committees of jurisdiction, potential future work would focus on block-chain technologies, artificial intelligence in health care, autonomous vehicles, and personalized medicine.

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**Assisting Congress in Overseeing and Transforming the Department of Defense** – The Department of Defense (DOD) faces significant challenges in responding to a complex and rapidly evolving national security environment. Considerable resources are entrusted to it to do so, about 48 percent (more than \$671 billion) of discretionary appropriations for fiscal year 2018. This represents a nearly 10 percent increase over the fiscal year 2017 enacted level of almost \$612 billion. The President's budget for fiscal year 2019 further proposes to increase this to more than \$686 billion. Concurrently, DOD is working to sustain and advance its military superiority while it undergoes one of the most significant organizational realignments since the Goldwater-Nichols Act of 1986.<sup>2</sup>

Congress has directed GAO to review a broad range of DOD's activities. Since 2006, GAO has made over 3,000 recommendations to DOD designed to strengthen the department's programs and operations, and this work has resulted in over \$63 billion in financial benefits since fiscal year 2015. To inform the new Congress and administration, GAO highlighted much of this work last year in a special report identifying five key challenges facing DOD – rebalancing and rebuilding forces, mitigating cyber risks and expanding cyber capabilities, controlling costs and managing finances, strategically managing human capital, and achieving greater efficiencies in business operations – as well as the factors that have impacted the department's progress in these areas.

GAO will continue to allocate significant resources to review a broad range of DOD's activities. For example, the latest National Defense Authorization Act contains provisions for GAO to continue to support congressional oversight of DOD's efforts to balance current operational deployments with training and equipping forces capable of fulfilling the full spectrum of military operations, such as through assessments of the department's efforts to rebuild readiness and modernize for the future. We will further review the plans, organization and capabilities of the department's cyber operations; the safety and effectiveness of the U.S. strategic nuclear force; and DOD's investments in science and technology, which provide innovations to enhance the superiority of weapon systems now and in the future. We will assess the extent to which the Defense Contract Audit Agency and Defense Contract Management Agency are effectively and efficiently overseeing

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<sup>2</sup> Public Law 99-433

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contractors' primary business systems, such as accounting and property management.

We will also continue to assess the department's strategies and incentives for recruiting, retaining, and developing a workforce that accounts for nearly 50 percent of the department's budget, as well as contracting approaches DOD uses to buy the billions in goods and services needed to carry out its missions. Further, as DOD implements key organizational changes mandated by the Congress, we expect Congressional interest in the department's progress and associated impacts. These changes include the creation of a Chief Management Officer position and implementation of cross-functional teams to drive organizational change, as well as the creation of the offices of the Under Secretary for Research and Engineering and Under Secretary for Acquisition and Sustainment. We will also continue to assess DOD's progress in following Congressional direction to recommend a new organizational and management structure for its national security space components.

GAO will continue to focus on DOD issues through its work to update the biennial High Risk report for 2019. Seven DOD areas are included in our High Risk report, including financial management, weapon systems acquisitions, business systems modernization, and support infrastructure management, as well as designations in 11 additional areas, such as the government-wide personnel security clearance process, added to the High Risk list earlier this year, in which DOD shares responsibility with other federal agencies. GAO's annual work to review fragmentation, overlap and duplication in the federal government will report on DOD's efforts to achieve efficiencies, such as across its defense agencies and field activities, as well as efforts to achieve efficiencies in the management of its over 500 installations worldwide.

GAO's annual "Quick Look" reports, assessing the cost, schedule, and performance of about 80 major defense acquisition programs, help support the Congress in overseeing the department's \$1.5 trillion in planned spending on these systems. One particular focus in the coming year is on the costs, schedule, and technical capabilities of the Columbia class nuclear submarine program, one of DOD's largest acquisitions.

Finally, DOD's financial management challenges remain a High Risk area that continues to negatively affect DOD's ability to manage the department and make sound decisions on mission and operations. For example, DOD's financial management problems have contributed to (1)

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inconsistent and sometimes unreliable reports to Congress on weapon system operating and support costs and (2) an impaired ability to make cost-effective choices, such as deciding whether to outsource specific activities or how to improve efficiency through technology.

DOD's financial weaknesses are one of three major impediments preventing a GAO opinion on the consolidated financial statements of the federal government. With DOD's reported discretionary spending making up nearly half of the federal government's reported discretionary spending, and its reported assets representing more than 70 percent of the federal government's reported physical assets, monitoring DOD's efforts to achieve auditability represents a major GAO responsibility. To fulfill that responsibility, we will, in coordination with the DOD Office of Inspector General, actively monitor (1) the financial audits of the military services and other defense organizations, and (2) DOD's progress in implementing corrective actions for identified deficiencies, which currently number over 1,000. With DOD's start of mandated full financial statement audits in fiscal year 2018, this effort will require increased levels of GAO staffing and resources.

**Assisting Congress in Health Care Challenges** – Growth in federal spending for major health care programs, estimated at \$1 trillion in fiscal year 2017, has exceeded the growth of GDP historically and is projected to grow faster than the economy.

These health care programs include Medicare, Medicaid, and the Children's Health Insurance Program, along with federal subsidies for health insurance purchased through the marketplaces established by the ACA and related spending. These federal commitments to health care programs are a key driver of the nation's fiscal spending. Growth in federal spending on health care is driven both by increasing enrollment, in part due to the aging of the population, and health care spending per person.

The federal government faces challenges to effectively and efficiently managing health care programs, including Medicare, Medicaid, and programs that serve American Indians, veterans, and military service members. Specifically, the demands to meet Americans' health needs are growing in volume and complexity while oversight is becoming more challenging. Understanding these complexities and offering fact-based recommendations to address them requires advanced policy and analytical expertise.

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Our health care policy expertise is frequently sought out by Congress on a range of health care issues. In 2017, we issued products for 32 different Committees and Subcommittees that examined access to and quality of care, drug availability and pricing, program expenditures and integrity, the protection of public health, and health care markets.

We have made recommendations in these audit products to improve the efficiency and effectiveness of federal health care spending, and documented almost \$2 billion in savings in 2017 alone by agencies taking action on our recommendations.

GAO will continue to focus on health care issues through its work to update the biennial High Risk report. With our 2017 High-Risk Update, we designated the Indian Health Service (IHS) as high risk. This area joins four other federal health care programs on the High Risk list, Medicare, Medicaid, the Food and Drug Administration, and VA Health Care.

Finally, GAO will continue to devote resources for our health care work on the most pressing public health-related issues of today. For example, we have a growing body of work examining the federal government's response to the ongoing opioid epidemic, which killed more than 42,000 Americans in 2016. However, more work is needed on the federal government's efforts to prevent opioid and other illicit drug use. We will also continue to examine the pricing and utilization of health care services—key drivers of public and private health care spending and costs. Managing federal health care spending, and holding entities accountable for the outcomes of such spending, will be critical to restoring the nation to a fiscally sustainable long term path.

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### GAO Information Technology and Building Infrastructure

The resources we received for FY 2018, and request for FY 2019, will allow GAO to make strategic investments in information technology (IT), and GAO's facilities infrastructure. GAO greatly appreciates the two-year designation of \$10 million in Infrastructure Operations spending provided for in the FY 2018 budget. This funding flexibility will enable GAO to make sound capital investments in new technology and address important funding requirements in support of our building facilities that will increase efficiency, lower operating costs, and allow us to increase our rental revenue.

**Information Technology** – At present, GAO operates in a computing environment that is rapidly aging. We have made headway over the past few years to improve our infrastructure by implementing a virtual desktop

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infrastructure and consolidating 11 remote field office data centers into a single primary data center at Headquarters. Additionally, we replaced older server technology for data storage with newer, faster, more efficient technology that strengthens the agency's security and reduces costs.

With the funding provided by Congress, we will be able to build on these past improvements and make additional critical investments that will further improve our effectiveness and efficiency and provide long term cost savings.

Modernizing our current communications system is an important project that is enabled by this funding. Our current technology is near its end of life and a significant capital expense would have been required to upgrade this old technology. Over the next two years, GAO will now upgrade to communications technologies that will greatly enhance GAO's capabilities and replace aging technology. GAO will be able to take advantage of key features incorporated into new tools that would not be possible with legacy systems.

For example, we will replace our obsolete video and teleconferencing equipment that is no longer supported and is proving to be extremely challenging to maintain and utilize effectively. We will upgrade our software to take advantage of integrated collaborative technologies, such as instant messaging, desktop sharing, and video conferencing. These technologies, VoIP services, in an integrated platform using digital voice services are less expensive to maintain saving GAO significant annual maintenance costs and recurring capital expenses. In summary, this improvement to our system will make it easier for our staff to work together more effectively, and is less expensive to operate.

Furthermore, this investment in GAO will enable us to begin the migration from our current document management system that is over 30 years old, to modern technology that provides greater capabilities. Our current document management system is used daily by all GAO staff and houses all of GAO's audit documents, as well as information obtained from agencies, and data analysis that forms the basis of GAO's products. The current system is slow and difficult to use, yet critical to our success. By upgrading the system, we will stabilize this important software platform and improve the user experience resulting in greater efficiencies.

This modernization effort will be built upon the success of previous work we have done to improve our infrastructure and develop tools that make our efforts to produce work more efficient. We will continue to upgrade

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key systems that directly support the products and services we provide to the Congress. We have successfully implemented a new Engagement Management System (EMS) that helps us manage our work more efficiently and we have a prototype of the New Blue system that will both greatly improve how we create and share GAO content with our clients.

New Blue is an enterprise-wide effort which will allow GAO to easily publish web-based products in HTML format instead of the static PDF format in a way that reduces manual activities for analysts and publishing staff. It will enable analysts to perform different functions concurrently and eliminate the need for separate copies for drafting, referencing, and each review. It will also streamline publishing and enable consistent and flexible distribution via multiple channels with responsive design that will allow our reports to be read on any device.

An enormous amount of effort has gone into upgrading and securing our information technology systems and with this new flexibility and funding in FY 2018 and FY 2019 we are going to make substantial headway toward completing our modernization efforts.

**Facilities and Security** – While most of GAO’s staff is located at its Headquarters in Washington, DC, we maintain a presence in strategic locations throughout the country and this remains a priority. GAO is consolidating space within its Headquarters building to ensure efficient utilization. With respect to our building investments, GAO is currently undergoing moves, as commercial leases expire, to secure federal office spaces in Oakland, California, Chicago, Illinois, Los Angeles, California, and Huntsville, Alabama. By moving into federal controlled space we are providing increased physical security for our employees and locally stored data.

We appreciate the support of the committee for providing us with the authority to transfer funding to the U.S. Army to build GAO a new building on the grounds of the Redstone Arsenal Army Base to house GAO’s existing Huntsville staff. This new building will be a one-time expense, with no rent and minimal maintenance costs going forward saving GAO what it would have paid in rent. We expect completion of the new building in the next year. Additionally, with the two-year funding, we will make investments in our Headquarters building by consolidating and upgrading space enabling us to lease empty space to new tenants.

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## Assisting the 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.

Since our last budget request, Congress has passed a number of laws that reflect GAO findings and recommendations. For example:

- The **National Defense Reauthorization Act of 2018 (NDAA)** included several directives based on GAO findings and recommendations concerning defense-related and other issues. Specifically
  - Improving defense-related efforts in key areas such as budget guidelines; cost savings; leadership of business operations; military readiness goals and implementation strategies; potential vulnerabilities in military aircraft; risks to military installations from climate change; and sustainability for the F-35 combat aircraft.
  - Requiring additional reporting requirements to help keep the Columbia-class submarine program on track, raising the cost cap for the Ford-class carrier program, and directing changes to DOD's space leadership structure. In addition, the reauthorization includes funding reductions warranted by GAO findings.
  - Requiring annual reports on the time required to conduct investigations, adjudicate cases, and grant security clearances. This reflects a matter GAO raised for Congress's consideration in 2017, namely that such reporting should be reinstated given the need to continue efforts to reform the personnel security clearance process government-wide, an area that GAO placed on the high-risk list in January 2018.
  - Changing the Small Business Administration's Historically Underutilized Business Zone Program that provides federal contracting preferences for eligible small businesses. In making these changes, Congress relied on our analysis of the use of unemployment rates in making business zone designations to better target counties with depressed economic conditions.
- The **No Veterans Crisis Line Call Should Go Unanswered Act** directs the Department of Veterans Affairs (VA) to develop a quality assurance document for carrying out the toll-free Veterans Crisis Line. The act requires VA to develop a plan to ensure that each telephone call, text message, and other communications received is answered in a timely manner. These requirements reflect GAO's recommendations related

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to ensuring that veterans who called the crisis line had their calls answered in a timely manner.

- The FITARA Enhancement Act of 2017 extended until 2020 the deadline for federal agencies to optimize their data centers, reflecting the GAO recommendation that they be given more time to do so. In line with previous GAO findings, that act also made permanent the requirement that agencies evaluate, manage, and publicly report on the risk of their major information technology investments.
- GAO's reports and testimonies are also reflected in the **2018 Omnibus Appropriations Act**, including:
  - Using GAO work to direct agencies to implement GAO recommendations. For example, the act directed
    - the Department of Homeland Security to develop robust performance metrics for all deployed border security; begin the collection of performance data to evaluate the individual and collective contribution of specific technologies; and assess progress in fully deploying planned technologies and determine when mission benefits from such deployments have been fully realized, citing a GAO testimony; and
    - the Secretary of the Department of the Interior to take several steps to improve Indian education, including implementing GAO recommendations and restructuring Indian Affairs to better support management control and accountability for the Bureau of Indian Education system.
  - Requiring agencies to report on how they plan to implement GAO recommendations or what corrective action plans they plan to take. For example:
    - having the entity responsible for managing cybersecurity across the federal government and critical infrastructure, the National Cybersecurity and Communications Integration Center (NCCIC), report on plans to implement GAO recommendations to determine if it is carrying out its statutory functions, such as sharing information about cyber threats, in the way it should: making the information timely, relevant and actionable, and to establish performance metrics for them;
    - having the Bureau of Indian Affairs report on progress to implement recommendations on data to improve road management and inform student attendance strategies, citing a GAO 2017 report;

- having the Indian Health Service report on how it will address GAO recommendations on setting and monitoring agency wide standards for patient wait time and IT issues related to this monitoring, citing a GAO 2016 report;
- having the Department of Defense (DOD) report on efforts to align the structure, statutory parameters and regulatory guidance across all Federal prescription drug buying programs to increase buying power and reduce costs, citing a GAO recommendation to the same effect; and
- having the Bureau of Indian Affairs report on barriers to developing strategies to properly manage oversight of energy resources, citing a GAO 2017 report.
- Finally, providing funding to enable activities aligned with GAO recommendations. For example, the act appropriated funds to:
  - the Department of Homeland Security to conduct regular assessments of advanced protective technologies related to cybersecurity, citing a 2016 GAO report; the Department of Health and Human Services for grants for clinical training of sexual assault nurse examiners to administer medical forensic examinations and treatments to victims of sexual assault, citing a GAO 2016 report; and the Veterans Health Administration for research into overmedication of veterans that led to veterans' deaths, suicides, and mental health disorders, among other things, citing multiple GAO reports.

## Financial and Program Benefits

**Financial Benefits** – In fiscal year 2017, we documented \$73.9 billion in financial benefits for the government – a return of about \$128 for every dollar invested in us. Examples of our work that contributed to these benefits included (1) improving the Department of Defense's (DOD) processes for acquiring weapon systems (\$36.0 billion); (2) auctioning of the broadcast television spectrum by the Federal Communications Commission (\$7.3 billion); and (3) reducing the amount TRICARE pays for compounded drugs (\$1.9 billion).

**Other Benefits** – Many other benefits resulting from our work cannot be measured in dollars but lead to program and operational improvements. In fiscal year 2017, we recorded 1,280 of these other benefits. For example, our work on public safety and security:

- led the Nuclear Regulatory Commission to tighten its controls on licensing for possession of radioactive materials when, in one of our

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tests, investigators secured agreements to buy devices that, together, contained a dangerous quantity of material;

- led FEMA to better prepare for its future disaster response activities by developing (1) a plan to finance equipment for its urban search and rescue task forces, and (2) a process to apply lessons learned from its incident management assistance teams; and
- led the Food and Drug Administration to issue a final rule requiring drug companies to report data on the sale and distribution of antibiotics for use in food animals.

Similarly, our work related to vulnerable populations:

- led the Department of Health and Human Services (HHS) to issue a strategy addressing the use of opioids such as heroin and prescription pain medications during pregnancy, which can lead to newborns having a condition called Neonatal Abstinence Syndrome;
- led the Veterans Administration to improve its oversight and process for providing veterans newly enrolled in its health care system with timely access to primary care appointments; and
- led several agencies, including the Departments of Homeland Security, the Interior, and State, to better protect contractor employees against reprisal, when they identify fraud, waste, abuse, or mismanagement.

Furthermore, our work in the area of agency operations:

- led DOD to establish categories for prioritizing its more than 83,000 missing persons cases from military conflicts since World War II, based on the feasibility of recovery;
- prompted the Social Security Administration to not provide increases in monthly disability insurance benefit payments until it had determined if individuals' earnings required changes in benefits—preventing overpayments to about 4,300 beneficiaries in 2016;
- prompted DOD to strengthen its oversight of equipment provided to Iraq's security forces by developing new procedures for recording equipment transfer dates and making other planned changes to improve accountability; and
- led OMB and the Department of the Treasury to improve implementation of the Digital Accountability and Transparency Act of 2014 (P.L. 113-101) by clarifying requirements, using implementation plans, and documenting procedures.

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## Building Bodies of Knowledge

Through the products we issued in fiscal year 2017, we continued to build on bodies of work to address our three broad strategic goals for serving the Congress and the nation to (1) address current and emerging challenges to the well-being and financial security of the American people, (2) help respond to changing security threats and global interdependence, and (3) help transform the federal government to address national challenges. Examples include:

**Protection of children** – We reported on the (1) federal support for pediatric trauma care centers—used to treat children with potentially life-threatening or disabling injuries; (2) federal support for states to oversee the use of psychotropic medications for children in foster care; and (3) federal coordination on early learning and childcare.

**Veterans** – We reported on the need to improve (1) management of veterans' health care, (2) protections for veterans against financial exploitation; and (3) the Department of Veterans Affairs' use of vacant and underutilized property to house homeless veterans.

**Health care** – We reported on the (1) actions needed to prevent illegal drug use, such as opioids; (2) federal efforts to position the physician workforce to meet current and future demands; and (3) need to harmonize federal and state rules to better protect Medicaid beneficiaries receiving personal care services.

**Science and technology** – We reported on (1) the Internet of Things, smart technologies and devices that sense information and communicate it to the Internet or other networks—offering new benefits and potential risks to IT, privacy, and safety; and (2) medical device technologies designed to rapidly diagnose infectious diseases.

**Military readiness** – We reported in FY 2017 and prior years on the: (1) considerable readiness challenges facing the Military Departments; (2) need for better strategies, goals and metrics for guiding the departments' readiness rebuilding efforts, and more oversight of these efforts by the Office of the Secretary of Defense; and (3) Navy's training, manning and infrastructure challenges that have contributed its readiness crisis.

**High Risk areas** – We issued the biennial update of our high-risk report to focus attention on government operations that are highly vulnerable to fraud, waste, abuse and mismanagement or need transformation. It offers solutions to 35 high-risk problems, including four new areas, federal Indian education, health, and energy programs; federal environmental

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liabilities; government-wide personnel security clearance processes; and the 2020 Census (see Enclosure I). For example, we reported on the enormous challenge that a complete count of the nation's population is for the Bureau of Census as it seeks to control the cost of the census while it implements several new innovations and manages the processes of acquiring and developing new and modified information technology (IT) systems supporting them. Over the past 4 years, we have made 33 recommendations specific to the Bureau regarding the 2020 Census. As of October 2017, the Bureau had fully implemented 10 of the recommendations, and was at varying stages of implementing the remaining recommendations.

In 2017, our High Risk work contributed to 154 reports, 43 testimonies, \$42.2 billion in financial benefits, and 519 other benefits. In the last decade this work has led to about \$240 billion in financial benefits.

**Fragmentation, overlap, and duplication** – Our seventh annual report identified 79 new actions across 29 new areas that could reduce fragmentation, overlap, and duplication, or provide other cost savings and revenue enhancement opportunities across the federal government. Actions taken by the Congress and executive branch agencies to address the 645 actions government-wide we identified from 2011 to 2016, have led to about \$136 billion in financial benefits – \$75 billion to date, with \$61 billion more expected.

**Testimonies** – In FY 2017, senior GAO Officials testified 99 times before 45 separate committees or subcommittees on issues that touched all major federal agencies. The following, listed by our three strategic goals, are examples of topics GAO addressed in testimony:

**Table 2: Selected GAO FY 2017 Testimonies**

<b>Goal 1: Address Current and Emerging Challenges to the Well-being and Financial Security of the American People</b>	
• Controlling Medicaid's Improper Payments	• Strengthening Oversight of the Low Income Housing Tax Credit
• Restoring US Postal Service's Fiscal Sustainability	• Using Lessons Learned from SafeTrack to Improve Future Rehabilitation Projects
• Addressing Serious Weaknesses in Federal Programs Serving Indian Tribes	• Early Observations on Implementation of the Every Student Succeeds Act
• Improving the Small Business Administration's Disaster Loan Assistance	• Improving Federal Management of Indian Energy Resources
• Providing Health Insurance Under the Patient Protection and Affordable Care Act	• Addressing Department of Energy's Management Challenges
• Ensuring the Privacy and Accuracy of Face Recognition Technology	
<b>Goal 2: Respond to Changing Security Threats and the Challenges of Global Interdependence</b>	
• Observations on the Use of Force Management Levels in Afghanistan, Iraq, Syria	• Improving DHS's Border Security: Addressing Threats Posed by High-Risk Travelers and Strengthening Visa Security
• Observations on Implementation of Federal Immigration Laws – Northern Mariana Islands	• Increasing DOD's Accountability Over Equipment Provided to Iraq's Security Forces
• Addressing Challenges to DOD's Delivery of Critical Space Capabilities	• Improving the Response to Zika Virus Outbreaks
• Enhancing Controls Over DOD's Excess Property	• Strengthening US Cybersecurity Capabilities
• Observations on Challenges Facing Navy Readiness	• Addressing Critical Acquisition Decisions for the Littoral Combat Ship and Frigate
<b>Goal 3: Help Transform the Federal Government to Address National Challenges</b>	
• Address DATA Act Implementation Challenges	• Addressing Cybersecurity Workforce Challenges
• Improving Anti-Fraud Efforts for Social Security Administration Disability Benefits	• Reducing Collection, Use and Display of Social Security Numbers
• Improving IG Oversight of the Architect of the Capital Operations	• Using Leading Human Capital Practices to Improve Agency Performance
• Protecting Older Adults from abuse by Guardians	• Assessing Progress on Preparations for the 2020 Census
• Addressing Improper Payment Estimates and Ongoing Efforts to Reduce Them	• Addressing Implementation Challenges with IRS' New Wage Verification Process
• Reducing Fragmentation, Overlap and Duplication in Federal Programs	• Improving Government Efficiency and Effectiveness to Reduce Federal Costs
• Improving Implementation of IT Reform Law Critical to Effective Management	• Improving VA's Management of IT

Source: GAO. | GAO-18-448T

### Focusing on Congressional Priorities

**Serving Our Clients** – In fiscal year 2017, we received 739 requests for work from 92 percent of the standing committees of the Congress – supporting a broad range of congressional interests. We issued 658 reports and made 1,414 new recommendations. Our senior executives were asked to testify before 45 separate committees or subcommittees on topics including the nation's fiscal health; Navy readiness; preventing high-risk travelers from boarding U.S. bound flights; and improving the

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response to Zika virus outbreaks. Our testimonies continued to underscore the importance of implementing GAO's recommendations to strengthen the government's performance and yield financial benefits.

**Outreach Efforts** – I continued my regular meetings with the Chairs and Ranking Members of congressional committees to obtain their views on GAO's work, including their priorities, and to discuss opportunities and challenges facing our nation.

I also sent letters to the heads of most federal departments to acknowledge the actions taken to date to implement our prior recommendations and to draw their attention to priority recommendations still requiring their attention. These letters were also sent to the congressional committees of jurisdiction to inform their oversight.

We continue to collaborate with the Congress to revise or repeal mandated reporting requirements to align our work with current congressional priorities and maximize our staff resources. For example, S. 2400, the GAO Audit Mandates Revision Act of 2018, would shift many low-risk financial audits to public accounting firms so GAO can audit Treasury's General Fund. The fund, which has never been audited before, covers every federal entity that receives appropriated funds.

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## Internal Improvements

**Supporting Our People** – The hard work and dedication of our diverse and professional multidisciplinary staff positioned GAO to achieve a 96 percent on-time delivery of our products in fiscal year 2017. Our performance this year also indicates that staff received the support needed to produce high-quality work. GAO also continued its distinction as a best place to work in the federal government, ranking second among mid-size federal agencies and first for supporting diversity by the Partnership for Public Service.

**Managing Our Internal Operations** – In fiscal year 2017, we continued efforts to maximize our value by enabling quality, timely service to the Congress and being a leading practices federal agency. We made progress addressing our three internal management challenges – human capital management, engagement efficiency, and information security. To enhance engagement efficiency, we fully transitioned to an updated engagement management process and new management system.

We also undergo an annual independent financial statement audit. For FY 2017, our financial statements received an unmodified "clean" opinion once again. This unmodified opinion along with our effective internal

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controls, demonstrate our sound stewardship of the taxpayers' dollars entrusted to us. Our independent auditors found that GAO maintained, in all material aspects, effective internal control over financial reporting, and our financial management systems substantially complied with the applicable requirements of the Federal Financial Management Improvement Act of 1996.

In addition, independent organizations perform a peer review of GAO's system of quality control for work done under generally accepted government auditing standards to determine whether it is suitably designed and operating effectively. The peer review includes a review of audit documentation, tests of functional areas, and staff interviews. Our most recent external peer review, conducted by a team of international auditors, resulted in a clean opinion on the effectiveness and appropriateness of our quality assurance framework. We also demonstrated that our detailed performance and financial information is complete and reliable and meets our high standards for accuracy and transparency.

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### Legal Work

In FY 2017, our Office of General Counsel created an electronic bid protest filing system, handled about 2,600 bid protests, issued over 500 bid protest and other decisions, including appropriations law decisions, and issued the third chapter of the fourth edition of *"Principles of Federal Appropriations Law"*. This is the primary resource for appropriations law guidance in the federal community.

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### Strategic Planning

I am pleased to announce that GAO has issued our 2018-2023 Strategic Plan for Serving the Congress and the Nation (See Enclosure II). As the United States confronts a series of new and long-standing challenges, GAO will rely on this latest strategic plan to guide our efforts to help make government more accountable, efficient, and effective and, ultimately, help improve the safety, security, and well-being of the American people.

Our plan outlines a number of important drivers and trends that will shape GAO's work in the coming years, in areas such as national security and defense, health care, and new developments in science and technology. GAO's new plan consists of three components:

- Goals and Objectives (GAO-18-1SP),
- Key Efforts (GAO-18-395SP), and
- Trends Affecting Government and Society (GAO-18-396SP).

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This 3-part format enables the trends and key efforts to be updated periodically to reflect rapidly changing external forces and shifts in priorities. By periodically reviewing our plan, GAO will remain agile and responsive to the areas of greatest national concern and usefulness to the Congress and the public. Prior to issuance a draft was shared for comment by Congress, employees and external stakeholders.

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### Center for Audit Excellence

The Congress authorized GAO to establish a Center for Audit Excellence (the Center) in 2014 to provide training and technical assistance to enhance the capacity of domestic and international accountability organizations. Although GAO contributes to a number of efforts that promote good governance and enhance accountability community capacity, the Center is unique in its ability to tackle complex training and capacity building projects because it can offer a wide range of services at locations throughout the world. The Center is authorized to charge fees for its services to facilitate recovery of its costs.

Since the Center's opening in October 2015, the Center has provided training or technical assistance services to nearly two dozen federal, state, local, and international organizations. The Center expanded its volume of work significantly between FY 2016 and FY 2017, collecting \$41 thousand in fees in FY 2016, its first year of operation, and \$345 thousand in fiscal year 2017. The Center also signed a Memorandum of Understanding with the U.S. Agency for International Development, a key partner to the Center in promoting accountability among developing nations.

During fiscal year 2017, the Center enhanced the capacity of 15 domestic and international accountability organizations. Domestically, the Center provided high quality training to promote greater understanding of Government Auditing Standards (the Yellow Book), internal control, performance auditing, report writing and other topics to five state and local audit offices, three federal audit organizations, and four other domestic audit organizations. Based on formal and informal feedback, the organizations and the vast majority of training participants found the training to be greatly useful. Moreover, several audit organizations have returned to the Center repeatedly for training and technical assistance to help their staff build capacity in applying auditing concepts and tools introduced in Center training classes.

The Center also expanded its work and achieved positive impact in working with international accountability organizations in fiscal year 2017.

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The Center provided training and technical assistance to a Supreme Audit Institution in Eastern Europe that enhanced its capacity to conduct information technology audits. The Center also worked with the Millennium Challenge Corporation to develop and start a project that is helping to enhance the capacity of a Supreme Audit Institution in Central America. Most recently, the Center worked with the US Agency for International Development to finalize an agreement for the Center to assess and identify ways to build the capacity of a Supreme Audit Institution and internal audit organization in an African country.

The Center continues to implement its Business Plan and look for additional ways to build on the successes achieved and find additional ways to further strengthen the capacity of accountability partners to help enhance the oversight of U.S. federal funds used domestically and across the globe. For example, during fiscal year 2018, the Center plans to expand its international work further by leveraging its Memorandum of Understanding with USAID and building on outreach and partnerships with other organizations such as the World Bank.

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## Concluding Remarks

We value the opportunity to provide Congress and the nation with timely, insightful analysis on the challenges facing the country. I would like to thank the Committee again for its support of GAO and the FY 2018 Budget. Our FY 2019 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 serve the Congress effectively. This funding level will also allow us to continue efforts to promote operational efficiency and address long-deferred information technology 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 GAO's budget and your continued support.

## Enclosure I: GAO's 2018 High Risk List

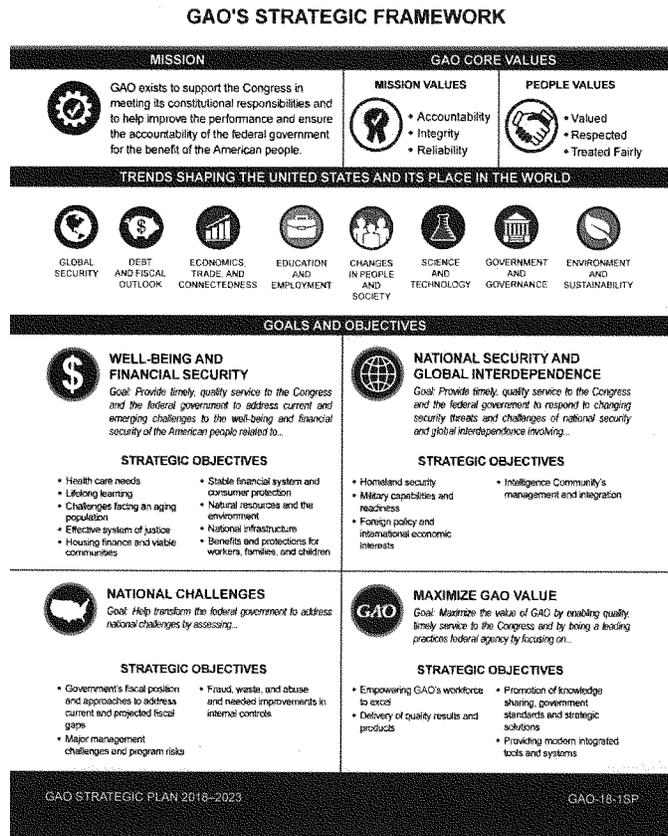
High Risk Area	Year
<b>Improving the Federal Government's Programs and Operations</b>	
• Improving Federal Programs that Serve Tribes and their Members ( <i>new</i> )	2017
• 2020 Decennial Census ( <i>new</i> )	2017
• U.S. Government Environmental Liabilities ( <i>new</i> )	2017
• Improving the Management 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	2009
• Restructuring the US Postal Service to Achieve Sustainable Financial Viability	2006
• Funding the Nations Surface Transportation System	2007
• Managing Federal Real Property	2003
• Strategic Human Capital Management	2001
<b>Transforming Defense Department Program Management</b>	
• DOD Approach to Business Transformation	2005
• DOD Support Infrastructure Management	1997
• DOD Business Systems Modernization	1995
• DOD Financial Management	1995
• DOD Supply Chain Management	1990
• DOD Weapon Systems Acquisitions	1990
<b>Ensuring Public Safety and Security</b>	
• Government-wide Personnel Security Clearance Processes ( <i>new</i> )	2018
• 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	2007
• Improving Federal Oversight of Food Safety	2007
• Strengthening Department of Homeland Security Management Functions	2003
• Ensuring the Security of Federal Information Systems and Cyber Critical Infrastructure and Protecting the Privacy of Personally Identifiable Information	1997
<b>Managing Federal Contracting More Effectively</b>	
• DOD Contract Management	1992
• DOE's Contract Management for the National Nuclear Security Administration and the Office of Environmental Management	1990
• NASA Acquisition Management	1990
<b>Assessing the Efficiency and Effectiveness of Tax Law Administration</b>	
• Enforcement of Tax Laws	1990

Enclosure I: GAO's 2018 High Risk List

High Risk Area	
• Managing Risks and Improving VA Health Care	2014
• National Flood Insurance Program	2006
• Improving and Modernizing Federal Disability Programs	2003
• Pension Benefit Guaranty Corporation Insurance Programs	2003
• Medicaid Program	2003
• Medicare Program	1990

Source: GAO | GAO-18-448T

# Enclosure II: GAO's Strategic Plan Framework



<b>GAO's Mission</b>	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.
<b>Obtaining Copies of GAO Reports and Testimony</b>	The fastest and easiest way to obtain copies of GAO documents at no cost is through GAO's website ( <a href="https://www.gao.gov">https://www.gao.gov</a> ). 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 <a href="https://www.gao.gov">https://www.gao.gov</a> and select "E-mail Updates."
<b>Order by Phone</b>	The price of each GAO publication reflects GAO's actual cost of production and distribution and depends on the number of pages in the publication and whether the publication is printed in color or black and white. Pricing and ordering information is posted on GAO's website, <a href="https://www.gao.gov/ordering.htm">https://www.gao.gov/ordering.htm</a> .  Place orders by calling (202) 512-6000, toll free (866) 801-7077, or TDD (202) 512-2537.  Orders may be paid for using American Express, Discover Card, MasterCard, Visa, check, or money order. Call for additional information.
<b>Connect with GAO</b>	Connect with GAO on Facebook, Flickr, Twitter, and YouTube. Subscribe to our RSS Feeds or E-mail Updates. Listen to our Podcasts. Visit GAO on the web at <a href="https://www.gao.gov">https://www.gao.gov</a> .
<b>To Report Fraud, Waste, and Abuse in Federal Programs</b>	Contact: Website: <a href="https://www.gao.gov/fraudnet/fraudnet.htm">https://www.gao.gov/fraudnet/fraudnet.htm</a> Automated answering system: (800) 424-5454 or (202) 512-7470
<b>Congressional Relations</b>	Orice Williams Brown, Managing Director, <a href="mailto:WilliamsO@gao.gov">WilliamsO@gao.gov</a> , (202) 512-4400, U.S. Government Accountability Office, 441 G Street NW, Room 7125, Washington, DC 20548
<b>Public Affairs</b>	Chuck Young, Managing Director, <a href="mailto:youngc1@gao.gov">youngc1@gao.gov</a> , (202) 512-4800 U.S. Government Accountability Office, 441 G Street NW, Room 7149 Washington, DC 20548
<b>Strategic Planning and External Liaison</b>	James-Christian Blockwood, Managing Director, <a href="mailto:spel@gao.gov">spel@gao.gov</a> , (202) 512-4707 U.S. Government Accountability Office, 441 G Street NW, Room 7814, Washington, DC 20548



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Mr. YODER. Thank you for your testimony, sir. And thank you for your good work on behalf of the taxpayers of our country. And I am thankful for your budget request, in that you are not asking for additional increases.

As you know, we are trying to operate within limited expenditures here, managing all the different aspects of the Federal Government. And so, you are hopefully, you know, utilizing your great comptroller accounting strengths within your own agency.

So I know we gave a significant increase in 2018, just about a month or so ago, and hopefully, those resources are being plugged in well and helping you reach further into the government to, you know, find savings.

#### SAVINGS AND RECOMMENDATIONS

I am interested in the \$73 billion that were saved. So those are actual dollars that you can point to because of a recommendation—

Mr. DODARO. Yes.

Mr. YODER [continuing]. That was taken up, dollars were saved?

Mr. DODARO. Yes.

Mr. YODER. How many more estimated dollars did you recommend that weren't taken up?

Mr. DODARO. There are tens of billions of dollars in additional savings that could have been achieved by implementations and recommendations.

In fact, next week or tomorrow—It should be tomorrow because this hearing was supposed to be last week.

Mr. YODER. Right.

Mr. DODARO. Tomorrow—

Mr. YODER. That is true.

Mr. DODARO. Tomorrow, we will be releasing that report.

I will have an attachment in my testimony of 58 specific recommendations to the Congress that could result in tens of billions of dollars in additional savings.

Mr. YODER. And are some of these, been around for a while or these are all new ones in the current year?

Mr. DODARO. Some are new.

Mr. YODER. Okay.

Mr. DODARO. Some have been around for a while.

Mr. YODER. Right.

Mr. DODARO. We had some that were open for a number of years. The specter of sequestration affected the budget deals that were done for 2014, 2015, 2016, and 2017, so a lot of our recommendations that implemented there were around for a while because Congress wanted to stay under the caps—

Mr. YODER. Right.

Mr. DODARO. At that point in time.

Mr. YODER. Right.

Mr. DODARO. And so—

Mr. YODER. I am guessing sometimes Congress comes looking for pay-fors, they come to your list to find a way to offset a spending increase.

Mr. DODARO. We are ever ready—

Mr. YODER. Just the pay-fors.

Mr. DODARO. I advocate our work at every opportunity, because it is important. There are some savings in there that can be made that won't have any adverse effect on the American people and would really be true efficiency savings or revenue enhancements. A number of recommendations we have could bring additional revenues.

Mr. YODER. What is a good story or a good example that Tim, myself, others, could use at home with our constituents when we are talking about the work we are doing at the GAO?

Mr. DODARO. Yes. You want one of an open recommendation?

Mr. YODER. Something that has been successful. A recommendation that was made that saved taxpayers.

Mr. DODARO. Yeah, sure.

Mr. YODER. Some of that \$73 billion.

Mr. DODARO. In the TRICARE—

Mr. YODER. Okay.

Mr. DODARO [continuing]. Area, for example. We found that DoD was paying for compound drugs that included ingredients that FDA had not approved. Therefore, TRICARE should not have paid for those drugs.

Our recommendation had safety implications for the people who were taking those drugs, and saved the government a lot of money.

Second, with the explosion of information technology, the federal government manages the spectrum areas. We found that the auction process that was being used was a good process. We recommended that Congress reauthorize that process. That resulted in spectrum auctions that brought in billions of dollars to the federal government.

Another example would be in food or medical product safety. Right now, 80 percent of the ingredients from prescription drugs come from foreign sources.

We suggested that the FDA needed to change its approach, which had been primarily focused on domestic production, to look at foreign production as well. This is going to better protect the public in terms of medical products. These include medical devices, too, including pacemakers and other equipment. About half of these come from foreign sources around the world, we recommended a change in strategy.

Another example is drug shortages on cancer therapy drugs. For instance, if one of your constituents went in for treatment, the proper drug might not have been available, or they have to use a substitute that might not be effective.

One of the reasons we found for this shortage was that the manufacturers did not have to notify the FDA in advance. The FDA could take action to increase production, go to another manufacturer, or go to another country. Those are the types of things we do. We save money, but we really have other really important recommendations that go to public safety and protection.

I gave you a few examples here, but there are quite a few in Homeland Security including border technologies and other things.

Mr. YODER. Okay.

Mr. DODARO. So those are all good examples.

Thank you for sharing that with the committee.

Mr. DODARO. Sure.

Mr. YODER. Mr. Ryan.  
Mr. RYAN. Thanks, Mr. Chairman.

MEDICARE AND MEDICAID

Talk to us a little bit about Medicare and Medicaid. You are saying there is \$70 billion at this point a year in waste, fraud, and abuse in those two programs? Could you mention a recommendation or two that you have? And then also with the VA?

Mr. DODARO. Sure. First, I am very concerned about the Medicaid program. The managed care portion of the Medicaid program has grown exponentially. It is almost 40 percent of total Medicaid spending right now.

The estimates that I gave you on improper payments don't even include complete estimates on the managed care portion of the Medicaid area.

I think State auditors ought to be more involved in reviewing the Medicaid programs. In some States, it is 30 percent of their entire budget. I have been working with State auditors to try to get them involved in those areas.

Some of the recommendations we have in Medicaid have to do with better improper payments estimates on this managed care portion. There is also the supplemental payments that are made to institutions for uncompensated care, for example. What we find is they were using improper formulas in those areas. Actually, in some cases, they were paying hospitals more than their total operating cost, not just compensating them for uncompensated care. They were getting more than their total operating costs from the Federal Government. We made recommendations to fix that area as well.

Another area is in demonstrations, where they approve demonstrations by States. By their policy, it is supposed to be budget neutral. We find it is not budget neutral, and it is costing the Federal Government billions of dollars more. Those demonstrations haven't been properly evaluated to know whether they are working effectively or not. Nonetheless, they are regularly extended.

The Medicaid program is a big area.

Mr. RYAN. How much do you think we could save in the Medicaid program if we implemented some of your—

Mr. DODARO. There are tens of billions of dollars. I can't give you a precise estimate.

Mr. RYAN. Yeah, yeah.

Mr. DODARO. But it is orders of magnitude. This is not operating at the margins.

The demonstrations that have been approved are one-third of the total spending for the Medicaid program. This isn't a few experiments here or there. These are large-scale demonstration projects.

Hopefully, the administration has been listening. We have been talking to them and trying to get them to focus on these areas.

In Medicare, if you go into a doctor's office—and some of the doctors are now affiliated with hospitals, for example. If you go into a doctor's office at a hospital or if you go into a doctor's office in Youngstown or Kansas, Medicare will reimburse you more if you go into a doctor's office at a hospital than if you go into your local physician's office. That doesn't make sense.

So we say you have got to equalize payments here, and if you do that, you will save billions of dollars.

There are special cancer hospitals that were established in the 1980s, when things were just getting started, that are paid at a higher rate now than teaching hospitals that provide the exact same cancer therapies. We estimate you could save \$500 million a year by equalizing those payment rates.

There is an adjustment that they make in Medicare between fee-for-service and managed care. In managed care, they make an estimate ahead of time, and there is a per capita rate. They adjust it to the actual fee-for-service on the other side of Medicare's operations. They are not using current information. The best information in the adjustments, we estimate, would save a billion or two a year if they did the proper adjustments (correctly). So those are a few examples.

#### VETERANS AFFAIRS

Mr. RYAN. What about the VA?

Mr. DODARO. We added VA healthcare on our high-risk list in 2015.

I have been very concerned about the Veterans Administration, being able to provide timely, high-quality care. We have just received from them, even though we put them on our High Risk List back in 2015, their first attempt at a plan to address the high risk areas. We found a lack of accountability and poor training for some of their people. Their IT systems are antiquated, and there are not clear alignment of their resources with their needs.

They have fundamental management challenges that are deeply seated in that agency.

Over the years, I have met with Secretary Shinseki when he was there, Secretary McDonald, and Secretary Shulkin. I am waiting for the new person to get in place to really talk to them about what they need to do to fix those problems.

Mr. RYAN. [Inaudible]

Mr. DODARO. I don't know if it is that much, to be honest with you, but they could save millions, clearly. We have one example, we issued a report on medical supplies, which I will be talking about tomorrow.

Each hospital purchases their medical supplies separately. They should have a regional approach or a national approach for contracts.

They tried to have something like that, but they didn't involve the clinicians. It didn't get off the ground. There wasn't buy-in. In some cases, they still use emergency purchasing vehicles rather than going through a competitive process that would bring costs down.

In the area of buying surgical supplies and medical supplies, there are tens of millions of dollars that could be saved as well, but more importantly, the services are not where it needs to be. We continue to find problems and a lack of accountability, and a lack of good information to make good decisions and to hold people accountable. There is a lot that needs to be done in that area. I have made it a high priority.

I have also testified recently on the appeals process reform for disability claims. That has been a problem for a number of years. They have a new approach that they are planning to use, but what we found was they weren't testing all the different avenues that they were proposing to change. In particular they were going to allow people to appeal directly to the Veterans Appeals Board, and not go through the VBA, the Veterans Benefit Administration.

They weren't even testing that option, so I am hopeful they will turn that around.

The appeals, and the disability programs in the Federal Government have been on our high risk list for over a decade. Now we put the healthcare on there. It is going to take a while to get it fixed, but I am determined to work with them to try to get it fixed properly. Our veterans deserve better service than they are currently receiving.

Mr. RYAN. Yeah. I appreciate it.

Mr. Chairman, we have had this conversation offline, but this is, I think this has been, the last 5 minutes, you hear the value of what this operation brings to us. I wish we had listened to you more, but maybe the chairman and I can take some of your recommendations in some of these areas and work together in a bipartisan way to get them implemented because they are, as you said, it is going to benefit the taxpayer and improve the quality of the program, get the government running more efficiently. I think it is something we need to jump on.

Mr. DODARO. I will be happy to work with you. Over three-quarters of our recommendations actually do get implemented over a 4-year period of time. I never give up. I have also sent letters every year for the last 3 years, to each major department head and agency outlining not only the number of total open GAO recommendations, but I prioritize the top ones that I think will save the most amount of money or improve services.

We share those with the congressional committees. For oversight purposes, I will be happy to share those with you for any agency they would like to work with us on.

Mr. RYAN. I yield back.

Mr. YODER. I think, you know, Mr. Ryan has been a very strong advocate for additional resources to the GAO for precisely the savings, but the better government we provide to our constituents. And he has made a convincing case lots of us support. I think the more information about your successes and the specific recommendations that cross the desk of more Members of Congress, I think the better, right?

I mean, we are all inundated with information, but Congress probably needs to be even more engaged with what you are doing so that it gets the most value out of it.

Mr. DODARO. I meet once a Congress with every committee chair and ranking member—

Mr. YODER. That is good.

Mr. DODARO [continuing]. In the Congress. And we talk about—

Mr. YODER. Go through what is in their area?

## IDENTITY THEFT

Mr. DODARO. Right. And what could be implemented. A good example is identity theft. This is something your constituents may be interested in, too. Where people are filing tax returns falsely and stealing refunds. When they go to file, the IRS states, “we already paid you.”

Mr. YODER. Right.

Mr. DODARO. What we found was that the W2 information from employers wasn’t going to the IRS until April when it—

Mr. YODER. Now it goes earlier.

Mr. DODARO. Now it goes earlier. That was a GAO recommendation.

Mr. YODER. Right.

Mr. DODARO. And it is helping them stop fraud.

Mr. YODER. A solution.

## INTEL

You know, as we look at the role of GAO going forward, you know, a couple of areas that we have heard testimony about already this year, we have taken testimony from outside organizations on their recommendations for a better government. And one of the recommendations was to allow the GAO to oversee Intel. And that there is a prohibition on the GAO working to oversee Intel within the Federal Government.

What is the GAO’s position on this? What do you do with intel right now? What could we do to enhance that?

Mr. DODARO. Right. First of all, we believe there is no prohibition. We believe we have the statutory authority to do the work. What has happened over the years, particularly, I would say up until about, you know, 7 or 8 years ago, we lacked the cooperation from the intelligence community, and quite frankly, support from the intelligence committees, to do the work. So GAO really didn’t program work in those areas.

The Congress, then, in one of the intel reauthorization bills, required the Director of DNI to come up with a directive that presumed cooperation with GAO. And so I met with Director Clapper at the time. They worked on this directive, and there is a clause in there that allows us to resolve differences.

We have started doing more work in the intelligence area in the last several years. We did some work in the facilities area. We are looking at contract management now. I met with Director Coats recently I talked with him about improving cooperation. It is still not easy.

Mr. YODER. Do you need additional support from Congress—

Mr. DODARO. Yes.

Mr. YODER [continuing]. Or direction to the intel agencies to make sure they are aware that this is an authority you have?

Mr. DODARO. Yes, that would be helpful. We are working with the intelligence committees. When we get support, and we have been getting support from the intelligence committees, then it is easier to do the work over there.

## TECHNOLOGY ASSESSMENT

Mr. YODER. Each year, we also receive a number of recommendations from sitting Members of Congress to the committee to bring back the Office of Technology Assessment.

We know that GAO was tasked with this responsibility back in 2002. How much funding does GAO currently allocate in that area? Are you receiving congressional requests? Is this an expansion that you think is necessary, or do you think the GAO has the ability to handle that mission?

Mr. DODARO. Yes. First, I am very supportive, as I mentioned in my opening statement, about the science and technology area. We went into this in terms of trying to create the capacity to do technology assessments very willingly, openly and we are committed to do them well.

We have demonstrated our capacity to do them. We do about two of those a year, based on requests from Congress. We just finished one on artificial intelligence, which is going to be a huge issue going forward, and one on sustainable chemistry. We have done ones in the past on nano-manufacturing, 3-D printing, detecting explosive devices on passenger rail, and a whole host of other areas.

We have that capacity. It can be scaled up. I have, over the years, told Congress that if we get additional resources, we can increase that capacity. I didn't want to recreate OTA within GAO at the expense of having other committees not have their work done.

I try to balance the portfolio against all the needs of the Congress from all the committees.

We have about 16 people in GAO already who focus on this work. They have the capability to do this. We also use GAO subject area experts. The other point I would like to make here too is OTA did a lot of different types of reports. We do a lot of reports that have science and technology issues in those reports. We are going to do one now on antibiotic resistance bacteria. That is not quote, "a technology assessment," but it is going to have a heavy component related to science and technology issues.

In the energy area, for example, we are doing work on modernizing nuclear weapons, including the development of interoperable nuclear warheads and the life cycle extension of our current nuclear fleet. (For this) you need special expertise. So we are not calling that a technology assessment, but we do that work in the energy area as well.

## HEALTHCARE

Healthcare, same thing. We were brought in when there was Zika. We should do work more in the vaccines areas, particularly for influenza vaccines. More people die every year from just normal flu, and there are questions about vaccine development. We can do more work in that area.

I created, while I was Acting Controller General, our center for science technology engineering. I hired our first chief scientist, and our first chief technologist in the GAO.

We have lots of capability. We can continue to improve and evolve our technology assessments. I have seen some of the commentary, and they have some good suggestions. We will continue

to take those under account. I think we can meet the needs of the Congress if we have the funding support.

Mr. YODER. Okay. Great. Mr. Ryan.

Mr. RYAN. I don't have a question, Mr. Chairman. I just have a statement.

I think you and I need to do some kind of bipartisan initiative designating Mr. Dodaro as the smartest man we have ever met in our lives on multiple issues. I mean, I just think it is amazing to, you know, I think, again, the importance of your office to have the scope of work that you do and having that scope, you see the interconnectedness of all of the different programs. And I think that is a real value. You know, you talk to a committee, and the committee is digging in on this issue or that issue. But what your office provides for us is really a bird's eye view of how all these things, the interplay of all of the different agencies and how important it is to make these run as efficiently as possible.

So I just want to say thank you to you. And I know your team is at work all the time doing this, and we really appreciate you. We need your work to continue. And we will do a better job of trying to take some of your recommendations. So thank you so much.

I yield back, Mr. Chairman.

Mr. DODARO. Thank you very much.

Mr. YODER. There you go.

Thank you for your testimony today. We appreciate you coming. And certainly, I think, Mr. Ryan and I think that the work you are doing is critical. And we are, you know, it took a lot of work to get new resources into GLS. We know that that was something you had asked for for a while, and to be able to keep up with the pace of inflation.

So, again, I appreciate you asking for a flat budget in light of those increases and be able to work within existing resources. And it kind of leads by example. It increases your credibility on the other issues.

So thanks for your work. And we will be passing our bill out soon, and we will include your work in it.

And with that, the subcommittee will stand in recess until 2:00 when we will hear from the Library of Congress. Thank you.

Mr. DODARO. Thank you very much, Mr. Chairman.

[Questions for the record follow:]

TECHNOLOGY ASSESSMENT**Q: How much funding does GAO currently allocate to this area?**

A: GAO's Center for Science and Technology (CSTE) manages our permanent technology assessment program. GAO defines technology assessment as the thorough and balanced analysis of significant primary, indirect, and delayed interactions of a technological innovation with society, the environment, and the economy and the present and foreseen consequences and impacts of those interactions.

Currently, CSTE consists of 45 staff, 16 of whom are available to do technology assessments and related engagement support across GAO. We estimate that roughly \$2.92 million is directly allocated to support technology assessment and related work annually. This estimate does not include any engagement-related costs such as travel, data purchases, or contracts with the National Academy of Sciences for arranging panels of outside technical experts, etc. It also does not include GAO subject matter experts who work with CSTE on technical assessments. For example, both of our recent technology assessments—*Artificial Intelligence: Emerging Opportunities, Challenges, and Implications* (GAO-18-142SP) and *Chemical Innovation: Technologies to Make Processes and Products More Sustainable* (GAO-18-307)—included numerous GAO subject matter experts from outside of CSTE. In addition, CSTE staff support science and engineering work for all of GAO, inclusive of technology assessments.

WORK INITIATED BY THE COMPTROLLER GENERAL**Q: Please explain the type of work you initiate under your authority as the Comptroller General.**

A: In FY 2017, GAO reserved about 3 percent of its engagement resources for work initiated under the Comptroller General's authority to (1) invest in significant current or emerging issues that may affect the nation's future, and (2) address issues of broad interest to the Congress, with an emphasis on longer-range, crosscutting, and transformational issues.

Work initiated by the Comptroller General includes the biennial high-risk list and budget justification reviews of the President's budget submissions for the Appropriations Committees. The biennial high-risk list report has resulted in approximately \$267 billion in financial benefits from FY2008 through FY2017 (GAO-17-317).

The Comptroller General has also convened forums on cross-cutting topics like improving information technology acquisitions and operations (GAO-17-251SP) and preventing illicit drug use (GAO-17-146SP).

Other examples of work initiated under the Comptroller General's authority include reports on,

- revising the Freddie Mac's and Fannies Mae's long-term structures following their conservatorships (GAO-09-782).
- the challenges to saving for a secure retirement (GAO-18-111SP).
- the nation's fiscal health; specifically the serious economic, security, and social challenges; the difficult policy choices in the short term about the level of federal spending and investments; ways to obtain needed resources; and the need for a broader fiscal plan to put the government on a path that is more sustainable over the long term (GAO-17-237SP).

#### ELECTRONIC DOCKETING PROTEST SYSTEM (EPDS)

##### **Q. What is your progress on implementing an Electronic Protest Docketing System (EPDS) for GAO's bid protest process?**

A: In early February, GAO began implementing an EPDS pilot program to test the system before its May 1, 2018 start date. The pilot included more than 100 protests and more than 600 users with EPDS accounts.

Additionally, on April 2, 2018, final revisions to GAO's Bid Protest Regulations were published in the *Federal Register*. The rule included a summary of comments received in response to the proposed rule that was issued in 2016, and identified changes we made to our regulations in response to those comments. The final rule was effective on May 1, 2018, the same date that EPDS became the sole means for filing new protests at GAO (except protests containing classified material).

Any new protest filed in EPDS on or after May 1, 2018, is subject to the \$350 filing fee. To date, 88 protests have been file via EPDS, and the system has been operating smoothly.

##### **Q. How did you arrive at setting the \$350 fee?**

A: We established the fee pursuant to the Consolidated Appropriations Act of Fiscal Year 2014, which authorizes GAO to collect a fee to offset the costs of establishing and operating EPDS.

To implement this statutory requirement, we issued a notice of proposed rulemaking on April 16, 2016, and sought feedback from the public regarding the proposed fee and changes to our bid protest regulations.

In deciding upon the appropriate fee, we conducted outreach with small business stakeholders, congressional committees, and industry, regarding the effect of the fee on small businesses.

The input from our outreach overwhelmingly suggested that the \$350 fee was appropriate, and that for efficiency, a uniform fee was preferable to a graduated one. We also considered the \$400 filing fee associated with filing in the US Court of Federal Claims, which is the other forum with bid protest jurisdiction.

In addition to our outreach, we considered the size of government procurements involving small businesses, and the costs to develop and maintain EPDS, which the fee is designed to recover.

We plan to review the fee every two years to ensure it is properly calibrated.

**HIGH RISK LIST**

**Q: Please give us some examples of high risk problems.**

A: To compile the High Risk List, every 2 years, we examine federal programs and operations that are especially vulnerable to waste, fraud, abuse, and mismanagement, or that need transformative change.

GAO's High Risk List currently has 35 areas, among them are funding the nation's surface transportation system; modernizing the U.S. financial regulatory system and the federal role in housing finance; management of federal oil and gas resources; Veteran's Administration health care, DOD weapons systems acquisitions, and Medicare and Medicaid.

GAO issues an updated list at the beginning of each Congress. This table provides an overview of the areas on GAO's High Risk List as of May 2018.

<p><b>Strengthening the Foundation for Efficiency and Effectiveness</b></p> <ul style="list-style-type: none"> <li>• Strategic Human Capital Management</li> <li>• Managing Federal Real Property</li> <li>• Funding the Nation's Surface Transportation System</li> <li>• Modernizing the U.S. Financial Regulatory System and the Federal Role in Housing Finance</li> <li>• Restructuring the U.S. Postal Service to Achieve Sustainable Financial Viability</li> <li>• Management of Federal Oil and Gas Resources</li> <li>• Limiting the Federal Government's Fiscal Exposure by Better Managing Climate Change Risks</li> <li>• Improving the Management of IT Acquisitions and Operations</li> <li>• Improving Federal Programs that Serve Tribes and their Members (new)</li> <li>• 2020 Decennial Census (new)</li> <li>• U.S. Government Environmental Liabilities (new)</li> </ul>
<p><b>Transforming DOD Program Management</b></p> <ul style="list-style-type: none"> <li>• DOD Supply Chain Management</li> <li>• DOD Weapon Systems Acquisition</li> <li>• DOD Financial Management</li> <li>• DOD Business Systems Modernization</li> <li>• DOD Support Infrastructure Management</li> <li>• DOD Approach to Business Transformation</li> </ul>
<p><b>Ensuring Public Safety and Security</b></p> <ul style="list-style-type: none"> <li>• Ensuring the Security of Federal Information Systems and Cyber Critical Infrastructure and Protecting the Privacy of Personally Identifiable Information</li> <li>• Strengthening Department of Homeland Security Management Functions</li> <li>• Ensuring the Effective Protection of Technologies Critical to U.S. National Security Interests</li> <li>• Improving Federal Oversight of Food Safety</li> <li>• Protecting Public Health through Enhanced Oversight of Medical Products</li> <li>• Transforming EPA's Processes for Assessing and Controlling Toxic Chemicals</li> <li>• Mitigating Gaps in Weather Satellite Data</li> <li>• Government-wide Personnel Security Clearance Process (added January 2018).</li> </ul>
<p><b>Managing Federal Contracting More Effectively</b></p> <ul style="list-style-type: none"> <li>• DOE's Contract Management for the National Nuclear Security Administration and Office of Environmental Management</li> <li>• NASA Acquisition Management</li> <li>• DOD Contract Management</li> </ul>
<p><b>Assessing the Efficiency and Effectiveness of Tax Law Administration</b></p> <ul style="list-style-type: none"> <li>• Enforcement of Tax Laws</li> </ul>
<p><b>Modernizing and Safeguarding Insurance and Benefit Programs</b></p> <ul style="list-style-type: none"> <li>• Medicare Program</li> <li>• Medicaid Program</li> <li>• Improving and Modernizing Federal Disability Programs</li> <li>• Pension Benefit Guaranty Corporation Insurance Programs</li> <li>• National Flood Insurance Program</li> <li>• Managing Risks and Improving VA Health Care</li> </ul>

Source: GAO. GAO-17-317

<sup>a</sup>Legislation is likely to be necessary in order to effectively address this area.

**Q: What have been the benefits from GAO's High Risk Program?**

A: GAO's high-risk program identifies government operations with greater vulnerabilities to fraud, waste, abuse, and mismanagement, or the need for transformation to address economy, efficiency, or effectiveness challenges. The high-risk report is issued at the beginning of each new Congress to help each new Congress with its oversight agenda.

From FY 2008 to 2017, progress by Congress and executive branch agencies to implement our recommendations in high-risk areas resulted in financial benefits totaling approximately \$267 billion or an average of over \$26 billion per year. Additional action to address high risk areas can lead to billions more in savings.

In addition to financial benefits, Congress and agencies have made over 500 improvements to programs and operations.

Agencies have been making steady progress in several key areas. For example,

- The Department of Homeland Security (DHS) has made progress in addressing its management challenge—an area GAO identified as high risk in 2003. Since that time, DHS has developed strategic and operational plans to guide its efforts—such as the National Response Framework that outlines disaster response guiding principles—and successfully hired, trained, and deployed workforces to fulfill its missions.
- 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.

**Q: What have been the most recent changes to the High Risk List?**

A: In January 2018, we added government-wide personnel security clearances to the list out of our usual cycle. We did this because it was important to call attention to the challenges of the government-wide personnel security clearance sooner rather than later.

Several key issues led us to add clearances to the High-Risk List:

- Significant backlog: As of February 2018, the backlog of background investigations totaled more than 710,000 cases.
- Investigator capacity: Long-term goals for increasing federal and contractor-provided investigator capacity to address the backlog are lacking.
- Timeliness issues: Delays in the timely processing of security clearances exist.

- Lack of quality measures: Milestones for establishing government-wide performance measures for the quality of background investigations are lacking.
- Long-standing reform initiatives incomplete: Delays in completing key initiatives of the security clearance reform effort exist.
- IT concerns: The Department of Defense (DOD) has concerns about the development of a new IT system for the personnel security clearance process and its connections to Office of Personnel Management (OPM) legacy systems.

In our 2017 high risk update we added three new areas—federal programs that serve tribes and their members; federal environmental liabilities; and the 2020 Census. We removed one area—terrorism-related information sharing. This summer we plan to provide an update on our high-risk area related to cybersecurity.

DUPLICATION AND COST SAVINGS

**Q: What are a few key examples of the results of GAO’s work to date?**

A: In our first 8 annual reports issued from 2011 to 2018, we presented 724 actions in 303 areas for Congress or executive branch agencies to reduce, eliminate, or better manage fragmentation, overlap, or duplication; achieve cost savings; or enhance revenue.

As of April 2018, of the 724 recommendations made by GAO, 52 percent were fully addressed; 24 percent were partially addressed (GAO-18-371SP).

Our work helped Congress achieve some of the billions in savings and revenue enhancements that made sequestration avoidable from 2014-2017.

As of 2018, our annual work on duplication had helped the government realize cost savings of over \$178 billion so far. More benefits are expected.

The table below provides specific examples of the results of GAO work on duplication and cost savings.

Area name	Actions taken	Financial benefit
Farm Program Payments	Congress passed and the President signed the Agricultural Act of 2014, which eliminated direct payments to farmers.	Savings of approximately <b>\$44.5 billion</b> from fiscal year 2015 through fiscal year 2023, of which <b>\$14.8 billion</b> has accrued and <b>\$29.7 billion</b> is expected to accrue in fiscal year 2018 or later, according to the Congressional Budget Office (CBO).
Weapon Systems Acquisition Programs	Congress passed and the President signed the Weapon Systems	Savings of approximately <b>\$36 billion</b> from 2011 through 2015, according

	Acquisition Reform Act of 2009, which implemented a number of GAO's recommendations for how the Department of Defense (DOD) develops and acquires weapon systems. GAO highlighted the need for additional action in this area in its 2011 report. Since then, DOD has followed more best practices for these acquisitions.	to GAO analysis.
Domestic Ethanol Production	Congress allowed the Volumetric Ethanol Excise Tax Credit to expire at the end of 2011; its expiration eliminated duplicative federal efforts directed at increasing domestic ethanol production and reduced revenue losses.	Reduced revenue losses by <b>\$29 billion</b> in fiscal years 2012 through 2016, according to GAO analysis.
Passenger Aviation Security Fees	Congress passed the Bipartisan Budget Act of 2013 which modified the passenger security fee from its current per enplanement structure (\$2.50 per enplanement with a maximum one-way-trip fee of \$5.00) to a structure that increases the passenger security fee to a flat \$5.60 per one-way-trip.	Increased revenue of about <b>\$12.9 billion</b> in fee collections over a 10-year period beginning in fiscal year 2014 and continuing through fiscal year 2023.
Tax Policies and Enforcement	Congress amended the audit procedures applicable to certain large partnerships to require that they pay audit adjustments at the partnership level.	Increase revenue by <b>\$9.3 billion</b> from fiscal years 2019 to 2025, according to the Joint Committee on Taxation.
Real Estate-Owned Properties	The Department of Housing and Urban Development made improvements to increase the recoveries from disposing of properties it receives when loans default, such as by selling these loans and increasing property inspections and oversight of contractors disposing of these properties.	Savings of up to <b>\$4.7 billion</b> from July 2013 through June 2017, according to GAO analysis.
Combat Uniforms	The Army chose not to introduce a new family of camouflage uniforms into its inventory.	Cost avoidance of about <b>\$4.2 billion</b> over 5 years, of which <b>\$3.4 billion</b> has accrued since fiscal year 2014 and <b>\$0.8 billion</b> is expected to accrue in fiscal year 2018, according to agency estimates.

**Q: What benefits could we expect if all of GAO's open action (recommendations) were implemented?**

**A:** As of April 2018, many duplication actions remained open – 24 percent were partially addressed, and 17 percent were not addressed.

We estimate that tens of billions more dollars could be saved by fully implementing our open actions.

In addition to producing financial benefits, implementing these actions would make government more efficient; improve major government programs or agencies; reduce mismanagement, fraud, waste and abuse; and increase assurance that programs comply with laws and spend funds legally. For example,

- Medicare could save \$1-2 billion annually if Congress were to equalize the rates Medicare pays for certain health care services, which often vary depending on where the service is performed.
- Continuing to employ best management practices could help DOD save money on its weapon systems acquisition programs. Given the trillion-dollar size of the portfolio, GAO estimates potential savings from addressing the remaining actions could be in the billions of dollars over the next several years.
- The Office of Management and Budget (OMB) needs to develop a strategy and additional guidance on the use of the Do Not Pay working system. In addition, Congress should consider amending the Social Security Act to explicitly allow the Social Security Administration to share its full death file through the system to reduce improper payments and mitigate the risks associated with potential duplication.

House rules now require committees to provide a plan for consolidation or termination of programs identified by GAO as duplicative. As a result, we expect more progress on our recommendations.

#### DISASTER ASSISTANCE

##### **Q: What is the status of GAO's work on the 2017 disasters?**

A: To assess both response and recovery challenges, GAO staff have visited affected areas—Florida, Texas, Puerto Rico and the US Virgin Islands—and assessed available data and information, such as contracts, staff deployments, spending, and after action reports. As of April 2018, GAO had 11 engagements underway and 12 planned to start over the next 18 months.

GAO recently issued work on our *Observations on Federal Contracting for Response and Recovery Efforts for the 2017 Hurricanes* (GAO-18-335). We found that as of December 31, 2017, 19 federal agencies had entered into contracts and obligated over \$5.6 billion on those contracts to support efforts related to Hurricanes Harvey, Irma, and Maria. DHS, including

Federal Emergency Management Agency (FEMA), and DOD components, including the U.S. Army Corps of Engineers, accounted for approximately 97 percent of those obligations.

**Q: What are GAO's plans for reviewing and assessing the federal government's response to the 2017 hurricanes and wildfires?**

A: We plan to issue our observations and assessment of the FEMA-led Federal Response to the 2017 Hurricane and Wildfires later this spring.

Further, the FY2018 operating plan and FY2019 budget request reflect the utilization of the disaster supplemental. As of April 2018, GAO had 11 audits under way and another 12 planned to start over the next 18 months. These audits involve multiple mission teams and range from a reviews of Puerto Rico and US Virgin Islands economic and disaster recovery plans; fraud risk management in Florida and Texas disaster assistance programs; and the federal response to the 2017 Western wildfires. Currently, we plan to use \$8 million of the disaster supplemental in FY 2018 and FY 2019 (approximately \$2 million and \$6 million, respectively).

#### CYBER SECURITY

**Q: With data breaches happening so frequently these days, how will GAO enhance its capacity to assess the impact of breaches at federal agencies?**

A: GAO is hiring additional staff—30 to 40 FTEs over the next 2 years—to enhance our ability to evaluate key agency capabilities for responding to security incidents and data breaches.

As part of this effort, GAO is actively recruiting talent from leading cybersecurity-related undergraduate and graduate institutions, including those participating in the CyberCorps Scholarship for Service.

These additional staff will supplement our existing audit workforce, increasing the agency's pool of specialized technical skills and expertise (in areas such as cloud security, penetration testing, and data security). Moreover, these staff will allow us to respond to more requests and statutory requirements.

GAO is also continually updating its audit approaches to meet the needs of Congress and better address the ever-changing cyber threat landscape. This effort will include closely working with the Inspector General community, National Institute of Standards and Technology (NIST), and other relevant organizations to improve our collective abilities for measuring the effectiveness of cybersecurity across the nation.

**Q: What has been GAO's leadership in stimulating improvements in cyber security and critical infrastructure?**

A: For more than two decades, GAO has taken an active role in highlighting the serious risks facing the federal government in the cybersecurity area and has made numerous recommendations to improve the nation's cybersecurity posture. Due to increasing cyber-based threats and the persistent nature of information security vulnerabilities,

GAO has designated information security as a government-wide high-risk area in each of our biennial reports to Congress since 1997.<sup>1</sup>

In 1997, GAO placed federal information security on the High Risk List because of concerns over inadequate protection of federal information systems from unauthorized access.

Specifically, federal system interconnectivity, combined with poor security management, was putting billions of dollars' worth of assets at risk of loss and vast amounts of sensitive data at risk of unauthorized disclosure.

In 2003, GAO expanded the information security high-risk area to include the protection of critical cyber infrastructure.<sup>2</sup> At that time, GAO highlighted the need to manage critical infrastructure protection activities that enhance the security of the cyber and physical public and private infrastructures that are essential to national security, national economic security, and/or national public health and safety.

GAO further expanded the information security high-risk area in 2015 to include protecting the privacy of personally identifiable information (PII).<sup>3</sup> During this time, advances in technology, which enhanced the ability of government and private sector entities to collect and process extensive amounts of PII, posed increasing challenges to protecting the privacy of such information. In addition, high-profile PII breaches at commercial entities heightened concerns that personal privacy was not being adequately protected.

In addition to making numerous recommendations to agencies to better protect PII, GAO proposed two Matters for Congressional Consideration related to data protection. In 2008, GAO reported that the *Privacy Act*<sup>4</sup> and *E-Government Act*<sup>5</sup> may not adequately ensure that consumers are notified in the event of a breach and that existing laws could better ensure that consumers are aware of what PII is collected and how it is used.<sup>6</sup> Based on this, GAO recommended that Congress consider amending these laws to ensure that all consumer PII is protected and that use of collected PII is limited to the stated purpose for collection. Moreover, in 2013 GAO reported that existing federal laws provide consumers with only limited protection for data that is collected and used for marketing purposes.<sup>7</sup> Consequently, GAO asked Congress to consider strengthening the current consumer privacy framework to reflect the

<sup>1</sup>See GAO, *High-Risk Series: An Update*, GAO-17-317 (Washington, D.C.: February 2017) and *High Risk Series: An Overview*, GAO-HR-97-1 (Washington, D.C.: February 1997). GAO maintains a high-risk program to focus attention on government operations that it identifies as high risk due to their greater vulnerabilities to fraud, waste, abuse, and mismanagement or the need for transformation to address economy, efficiency, or effectiveness challenges.

<sup>2</sup>See GAO, *High-Risk Series: An Update*, GAO-03-119 (Washington, D.C.: January 2003).

<sup>3</sup>See GAO, *High-Risk Series: An Update*, GAO-15-290 (Washington, D.C.: February 2015).

<sup>4</sup>Pub. L. No. 93-579, 88 Stat. 1896 (1974) (codified as amended at 5 U.S.C. § 552a).

<sup>5</sup>Pub. L. No. 96-511 (Dec. 11, 1980) and Pub. L. No. 104-13 (May 22, 1995).

<sup>6</sup>GAO, *Privacy: Alternatives Exist for Enhancing Protection of Personally Identifiable Information*, GAO-08-536 (Washington, D.C.: May 19, 2008).

<sup>7</sup>GAO, *Information Resellers: Consumer Privacy Framework Needs to Reflect Changes in Technology and the Marketplace*, GAO-13-663 (Washington, D.C.: Sept. 25, 2013).

effects of changes in technology and the marketplace while also ensuring that any limitations on data collection and sharing do not unduly inhibit the economic and other benefits to industry and consumers that data sharing can accord.

Over the past several years, GAO has made many recommendations to agencies aimed at addressing key cybersecurity and data protection issues facing the nation. These recommendations address challenges such as shortcomings in IT workforce planning, implementing effective information security programs, and protecting cyber critical infrastructure and the PII held on federal systems. GAO has also made hundreds of limited official use only recommendations that identify actions for agencies to take to strengthen technical security controls over their computer networks and systems. Of the roughly 2,700 recommendations GAO has made since 2010, about 900 had not been implemented as of May 2018. These recommendations identified actions for agencies to take to strengthen their information security programs and technical controls over their computer networks and systems. Until these shortcomings are addressed, federal agencies' information and systems will remain increasingly susceptible to a multitude of cyber-related threats.

As part of its ongoing oversight, Congress enacted five laws that are intended to improve federal cybersecurity and were consistent with past GAO recommendations. The first, the Federal Information Security Modernization Act of 2014, revises the Federal Information Security Management Act of 2002 (FISMA). Among other things, the act includes provisions to clarify and strengthen information security roles and responsibilities for the Office of Management and Budget, DHS, and federal agencies. The Federal Cybersecurity Workforce Assessment Act of 2015 and the Homeland Security Cybersecurity Workforce Assessment Act of 2014 are intended to help DHS address its cybersecurity workforce challenges. The fourth, the National Cybersecurity Protection Act of 2014, codifies the role of DHS' National Cybersecurity and Communications Integration. And finally, the Cybersecurity Enhancement Act of 2014, among other things, authorizes the National Institute of Standards and Technology to facilitate and support the development of a voluntary set of standards to reduce cyber risks to critical infrastructure.

Finally, to continue demonstrating leadership in this critical area, GAO is implementing an audit strategy that focuses attention on key areas where progress is likely to make a difference in enhancing cybersecurity and data protection. This audit strategy will include evaluating executive branch efforts to (1) establish a national cybersecurity strategy and effective government-wide action and oversight, (2) ensure the effectiveness of agency programs for the protection of federal information and systems, and (3) strengthen the federal role in the public-private partnership for the protection of critical infrastructure and sensitive data. GAO will also issue an off-cycle update to its cybersecurity High Risk area this summer, highlighting key areas for the federal government to focus on to improve its cybersecurity posture.

[Statement for the record from Congressman Newhouse:]

**House Committee on Appropriations**  
**Subcommittee on Legislative Branch – FY19 – Government Accountability Office (GAO)**  
*April 25, 2018*

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**Panel I**  
Gene Dodaro, Government Accountability Office

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**Statement:** The Government Accountability Office has initiated a review of the nuclear cleanup and environmental remediation work at the Hanford Nuclear Reservation in my District, the 4th District of Washington. Several of my Pacific Northwest colleagues and I requested this review, specifically of the Department of Energy’s Richland Operations Office, to ensure the operations onsite were ensuring the safety of Hanford workers, the public community, and the environment and natural resources in our region. I don’t necessarily have a question for you today, Mr. Dodaro, but rather would like to thank you and your staff for your assistance with this effort to ensure we are spending the significant resources we send to the Hanford cleanup—the taxpayers’ hard-earned dollars—as wisely and efficiently as possible, while also ensuring the mission on the ground is moving forward in as safely and expeditiously a manner as possible.

WEDNESDAY, APRIL 25, 2018.

**LIBRARY OF CONGRESS**

**WITNESSES**

**HON. CARLA D. HAYDEN, LIBRARIAN OF CONGRESS**  
**MARK SWEENEY, ACTING DEPUTY LIBRARIAN**  
**KARYN A. TEMPLE, ACTING REGISTER OF COPYRIGHTS**  
**MARY B. MAZANEC, DIRECTOR, CONGRESSIONAL RESEARCH SERVICE**

**OPENING STATEMENT OF CHAIRMAN YODER**

Mr. YODER. I call the subcommittee back to order.

We are pleased today to welcome the Librarian of Congress, Dr. Carla Hayden, and the Acting Deputy Librarian Mark Sweeney, here today, as well as your entire team.

But I know you have a great group of folks here that are experts in different areas, and if we need to, they are available, I know, to make comments or testify as well.

Dr. Hayden, the Library of Congress' adjusted fiscal year 2019 request that you have made is \$706 million, an increase of \$36.2 million above currently enacted levels.

This requested increase would go towards mandatory pay and price level increases, information technology system enhancements, increase staffing to enhance the Library's bandwidth in the areas of collection management, analytical capacity at CRS, and reducing the recording backlog at the Copyright Office, as well as continued funding for the Visitor Experience Project at the Thomas Jefferson Building.

The Copyright Office request is \$93.4 million, and the subcommittee continues to believe that the modernization of the Copyright Office is a very important initiative.

The Congressional Research Service request is \$125.6 million. And we thank the CRS for its work in ensuring that all nonconfidential CRS reports will soon become available to the public, and ask CRS to keep the committee informed on the progress leading up to the implementation of this new procedure.

And finally, the Books for the Blind and Physically Handicapped request is \$52.7 million, and relocating the NLS' headquarters to a location in closer proximity to the Capitol campus continues to be a priority of this committee, and we are working to make that relocation a reality.

So again, Dr. Hayden, welcome to the committee.

And at this point, I am going to yield to my good friend from Ohio, Mr. Ryan, for his opening statement as well.

**OPENING STATEMENT OF RANKING MEMBER RYAN**

Mr. RYAN. Thank you, Mr. Chairman. I appreciate it.

The Library of Congress is one of my favorite institutions on Capitol Hill. I love the buildings. I am repeatedly impressed by what they have hidden in the stacks in climate-controlled storage rooms.

If James Madison, John Adams, and Thomas Jefferson could see today what their creation has evolved into, I think that they would be extremely pleased with themselves. And in fact, yesterday was the 217th anniversary of the Library's creation, which I know you know, because you know everything about the Library.

Walking through the halls of the Library and viewing their collection and artifacts is something everyone visiting Washington, D.C., should add to their list. And I encourage all of our groups to at least get over there and take a look.

And I am looking forward to learning more today about the plans to enhance the visitor experience at the Thomas Jefferson Building. I expect our subcommittee will provide support to help bring Dr. Hayden's vision for the Library's future into being.

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. In last year's legislation the subcommittee worked to make CRS reports more accessible to the public. These documents are invaluable to Members and congressional staff. And I am pleased to see CRS' budget request prioritizes an increase in staff to expand research capacity in many policy areas.

I am also glad to see that the Library's budget request prioritizes IT modernization, because information technology ties in with everything the Library does.

Upgrading the Library system 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's materials remotely.

So thank you all for coming in today. I look forward to hearing what Dr. Hayden and her colleagues have to say.

And I yield back my time, Mr. Chairman.

Mr. YODER. Thank you, Mr. Ryan.

Dr. Hayden, your statement and written testimony will be made part of the record, as well as statements of the Acting Register of Copyrights and the Director of Congressional Research Service. And so we would be pleased to allow you to summarize your statement and address the committee at this time. Welcome.

#### OPENING STATEMENT OF THE LIBRARIAN OF CONGRESS

Dr. HAYDEN. Thank you, Chairman Yoder and Ranking Member and members of the subcommittee. And I appreciate the opportunity to give testimony in support of the Library's fiscal year 2019 budget.

As you know, the Library remains the largest library in the world, a research institution, and of course a destination for scholars and Members of Congress.

It also holds enormous potential for reaching many, many more Americans in all walks of life. And this has been and will be a major focus of my tenure. And over the past year, we made great strides in increasing access to the Library and improving the user experience.

For example, the U.S. Copyright Office published a new archive of copyright cases. The Congressional Research Service is currently testing online webinars and added instant messaging. The National Library Service for the Blind and Physically Handicapped launched a public awareness campaign to reach seniors and others challenged. And the Law Library put fully indexed and searchable historic versions of the U.S. Codes online.

And then new primary source collections online include the papers of Alexander Hamilton, Ulysses Grant, Benjamin Franklin, and Susan B. Anthony, as well as high resolution scans of the original documents in the Abraham Lincoln papers.

I have visited libraries and communities this past year in many congressional districts, and I have been energized by the interest and enthusiasm and expressed need for greater connection to the resources and services of the Library. And realizing the Library has the potential to reach out across the country means that we have to take care of fundamentals first.

And I would like to express my gratitude for your support in the two previous fiscal years for mission-critical work. And that has helped with our modernization of information technology and Congress' service that we are very proud of.

Special thanks, too, for your support for an initiative to revitalize and enhance the visitor experience in the Thomas Jefferson Building through a public-private partnership. And also, deeply appreciative—and the Acting Deputy Librarian, Mark Sweeney, joins me in this—for the storage modules at Fort Meade that are part of the Architect of the Capitol's budget.

And I am happy to report, as we look at the support of this committee in the crucial areas of IT modernization, Copyright Office staff and storage programs, the Library has closed or and is awaiting confirmation from GAO on 24 of the 31 public recommendations for improving IT efficiencies.

The Copyright Office has reduced its registration backlog by 25 percent, and we are actively filling the interim storage units at Cabin Branch, as well as the recently completed Module 5 at Fort Meade.

And in addition, I have taken significant managerial steps to make sure that we have efficiencies in our operations. I have appointed Mark Sweeney as the Acting Deputy Librarian of Congress; all information technology organizations and personnel were centralized; and we completed the first year of the strategic planning process, *Envisioning 2025*.

Part of that process determined with research that the Library needs to be more user-centric. And we will have, of course, Congress as the Library's foremost user.

As a result of this planning, I realigned internal units to prepare for that move forward. And I am confident that these steps will give us a robust management structure to move forward.

Now, the fiscal 2019 budget request builds on the past 2 years and concentrates on information technology modernization, targeted workforce skills, and increased access, and the details are provided in my written testimony. And the highlights include ongoing investment in copyright information technology modernization, as we move to the development of a new generation of the registra-

tion system, and a modern recordation system, which is, many people might not realize, currently paper-based and manual.

We will have an investment in our CRS service with more analysts, economists, and attorneys, and also full restoration of copyright examiner workforce and additional foreign legal and language expertise for the Law Library.

And finally, workforce investment in Library Services that will speed up the processing of significant collections, a backlog that includes collections such as Theodore Roosevelt and Caspar Weinberger that are waiting to be processed.

So to reiterate, IT modernization, a strong workforce helps the Library meet its goal of increased access and better service.

So, Chairman Yoder, Ranking Member Ryan, members of the subcommittee, we are the embodiment of the American ideal of a knowledge-based democracy, and we thank you for your support. I am happy to answer any questions.

[The prepared statements follows:]

**Statement of Carla Hayden  
The Librarian of Congress**

**Before the  
Subcommittee on the Legislative Branch  
Committee on Appropriations  
U.S. House of Representatives  
April 25, 2018**

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

Thank you for the opportunity to provide testimony in support of the Library's fiscal 2019 budget.

Now in my second year as Librarian of Congress, I am even more committed to doing all I can to share the breadth and depth of the Library's collections and our staff's expertise and commitment to public service. Today, the Library holds more than 167 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. CRS provided custom services to 100 percent of Senate and House member offices and standing committees. More than 452 thousand claims were registered by the U.S. Copyright Office. More than 10.5 million preservation actions on the collections were undertaken; over 20 million audio/braille books and magazines were circulated via partnerships with more than 100 network libraries throughout the United States; and the Library responded to over 1 million reference requests from the Congress, the public, and other federal agencies.

Over the past year, the Library has made significant strides in increasing access to the Congress's library. The Copyright Office published a new archive, a resource offering public rulings and government briefs in copyright cases. CRS worked to modernize its service to Congress by joining the Skype for Business Federation, which this year enabled instant messaging and teleconferencing with congressional staff. The Library launched LC Labs and, working with the Serials division, rolled out a new crowd sourcing app inviting users to help create a database of historic newspaper images from *Chronicling America*. New "touch history" tours allow visitors who are visually impaired to experience the magnificence of the Jefferson Building. The Law Library further expanded online content with fully indexed and searchable U.S. Codes going back to 1925. New collections have been made available online, such as the papers of Alexander Hamilton and James Buchanan, and new high-resolution scans of the original documents in the Abraham Lincoln papers.

I would like to express my sincere gratitude for the outstanding support that this committee and the entire Congress give to the Library. In particular, I appreciate the support you have given us for our fiscal 2018 requests to meet high-priority staffing needs in the Copyright Office as well as enterprise-wide investment in IT modernization to upgrade network infrastructure, Copyright IT modernization, and the Congressional Research Service's (CRS) mission-specific Integrated Research and Information System. The Library has absorbed 76.5 percent of mandatory pay and price level increases (approximately \$122 million) between 2010 and 2017. Your strong support for staffing resources allows us to better handle critical work and to begin replacing specialized staff expertise that was developed over many years and lost - principally to retirement - and not replaced due to budget limitations. I also thank you for your continued support for the Library's collection storage modules program at Ft. Meade as part of the Architect of the Capitol's budget.

I come before you today to discuss the Library's funding request for fiscal 2019 as we continue implementation of a modernization process across the Library that will expand access, provide superior customer service, and ensure proper stewardship of the national collection.

In the past year, I have taken steps to ensure an administrative foundation is in place to support and lead us toward these goals.

I appointed Mark Sweeney as Acting Deputy Librarian of Congress. Prior to his current appointment, Mr. Sweeney served as the Associate Librarian for Library Services. He was responsible for carrying out Library Services' mission to acquire, organize, provide access to, maintain, secure, and preserve the Library of Congress's universal collection.

In December, all service unit IT organizations and all IT personnel were centralized into the Office of the Chief Information Officer (OCIO) to maximize value from the Library's investment in technology. All technology activities are now coordinated through the OCIO and approved by the Chief Information Officer.

In the same month, we saw the results of the first phase of our Envisioning 2025 initiative, which will inform a five-year strategic plan to guide all service units in working toward shared goals. In the first phase, the Library more clearly defined its role in American life as that of a place for memory, knowledge, and imagination:

MEMORY – Acquire, sustain, and provide access to a unique universal collection  
 KNOWLEDGE – Provide authoritative and objective research, analysis, and information  
 IMAGINATION – Inspire and encourage creativity, promote, and protect the work of American creators

The Library's direction forward, as defined in Envisioning 2025, will be more "user-centered." The Congress will always be the Library's foremost user as we continue to support this body in your legislative and representational duties. Users also encompass creators, inclusive but not limited to copyright users and stakeholders; individual learners of any age who seek

understanding and knowledge through the Library's collections and services; and connectors who are external communities such as libraries, schools, or other groups and institutions that connect users to the Library.

Thank you for the support that will enable us to revitalize and enhance the visitor experience in the Thomas Jefferson Building through a public/private partnership. This is an exciting future direction for the Library in bringing the nation's collections and history out of the vaults and into public spaces. Through expanded and improved access to the national treasures in the Library, visitors will be inspired to use our collections just as we have envisioned in 2025 and beyond.

I am confident that we have a strong management structure and robust strategic planning process internally to lead the Library into the future. Now, however, I ask for your assistance in helping us take the additional steps we need with an increase in funding for critical initiatives.

The Library of Congress fiscal 2019 budget request is for approximately \$761 million, which represents a 5.9 percent increase over the Library's fiscal 2018 enacted appropriation. Of the requested \$42 million increase, 52 percent accounts for mandatory pay and price level increases (\$22.0 million). The balance of the increase represents critical program investments necessary to fulfill the Library's role and to move forward on the commitment to be more user-centered.

This request extends and builds on the modernization efforts initiated in 2017 and 2018, which concentrated on information technology (IT) modernization, a strong workforce, and increased access. The Library continues to embrace modernization, not only of its IT but of its workforce, infrastructure, and collections stewardship.

The Library's staff is essential to fulfilling its memory role – acquiring, sustaining, and providing access to a unique universal collection. We must foster the correct mix of skillsets to achieve this. We are also employing digitization and other technologies as a means of expanding access to memory with fewer staff. The budget request includes an investment to strengthen staffing capacity for processing special collections where a significant backlog has emerged over the last ten years. This would include such works as the Herman Wouk and Caspar Weinberger papers, which are currently stored in thousands of containers inaccessible to users. Our request also seeks to dramatically increase access through two digitization efforts. The first to preserve and make accessible historic copyright records and, the second, in the Law Library to make public domain U.S. legal and legislative materials and foreign law materials more widely available.

Next, our budget submission strengthens the Library's role in knowledge, in its capacity to provide authoritative research and analysis in areas of significant congressional interest in the CRS, and foreign legal and language expertise in the Law Library.

The CRS workforce has decreased by approximately 13 percent in the last eight years, losing 92 FTE, and 23 percent of CRS staff will be eligible for retirement this year. In fiscal 2016, CRS received 563,000 requests for products and services, including more than 61,400 requests for custom research and analysis. Demand is expected to remain at these levels or higher in the future. Additional FTE in CRS will strengthen analytic capacity and ensure replacement of corporate knowledge over time as retirements and attrition take place.

The Copyright Office and its work is central to the Library's role of inspiring and encouraging creativity. Our quest for Copyright IT modernization has continued in successive budgets with infrastructure and networking. Now, in the fiscal 2019 budget, we turn to the development of the Next Generation Registration System and a modern recordation system. The Library's commitment to a modernized and well-staffed Copyright Office is reflected in requests for a modernization enterprise solution, restoration of the registration examiner workforce to pre-sequestration levels, and contractor support to aggressively address a recordation backlog before the data is migrated to a new, modernized system. We are specifically targeting areas where backlogs have emerged due to attrition, retirement, or increased activity.

Shared operating capacity allows the Library to be more efficient and cost-effective as we work to achieve our goals. The Congressionally sanctioned Legislative Branch Financial Management System (LBFMS), hosted by the Library as a shared service for the legislative branch has been a success story. It has experienced substantial growth and now provides the financial system for eight legislative branch agencies. From 2015 to 2017, the number of users has increased 44 percent and the number of transactions processed by 140 percent. As a shared service, the LBFMS averages a combined annual \$2.5 million in cost avoidance, compared to operating separate systems through federal shared services providers. Accompanying this growth and success is the need to standardize the system across the user agencies. To accommodate these growing pains, our budget request provides for process standardization across the user agencies to decrease the need for costly customizations over time and increased hosting costs for this shared system.

In closing, modernization – of workforce, infrastructure, and collections stewardship as well as IT – is critical to moving the Library forward into the future. The fiscal 2019 budget request furthers the modernization efforts of recent budget requests and targets critical workforce needs.

Mr. Chairman, Ranking Member Ryan, and Members of the Subcommittee, the Library is the embodiment of the American ideal of a knowledge-based democracy. I thank you again for supporting the Library of Congress and for your consideration of our fiscal 2019 request.

**Statement of Mary B. Mazanec  
Director, Congressional Research Service**

**Before the  
Subcommittee on the Legislative Branch  
Committee on Appropriations  
U.S. House of Representatives  
April 25, 2018**

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

Thank you for the opportunity to present the fiscal 2019 budget request for the Congressional Research Service (CRS). I would also like to thank the Committee for your support of CRS's fiscal 2018 budget request. Efforts are already underway to implement the much needed modernization of our IT infrastructure and to ensure the public availability of CRS Reports within the time frame directed by Congress. In addition to discussing the challenges that we face, I would like to summarize for you some of the more notable support that CRS has provided to the important work of Congress over the past fiscal year, as well as a number of initiatives that we are undertaking to ensure that we continue to provide you with exceptional analytical, consultative and information support in the future.

While Congress draws upon numerous sources to inform its decision making, CRS is uniquely positioned as an authoritative, objective, nonpartisan and confidential advisor, whose very existence is dedicated exclusively to supporting the research and analytical needs of the national legislature. In fiscal 2017, Congress called upon CRS for research and analytical expertise at every stage of the legislative and oversight process and across all public policy issues on its agenda. CRS experts provided more than 61,400 custom products and consultations in response to specific requests from Members and staff, produced and maintained more than 11,100 reports and products, and held more than 250 events for nearly 8,600 congressional participants. CRS served over 99 percent of all Member and committee offices.

CRS's greatest asset is the breadth of analytical talent that it can bring to bear on the full range of issues before Congress. Congress has long considered CRS staff to be an extension of its own, offering not only subject matter expertise, but intimate knowledge of the legislative process as well as decades of institutional memory gained from working side-by-side with Members and congressional staff. The Service has undertaken a number of measures to ensure that it continues to offer a high level of support to Congress, including staff training and development, product and technology enhancements, strategic planning and the identification of workplace efficiencies.

**FISCAL 2019 BUDGET REQUEST**

The CRS budget request for fiscal 2019 is \$125.68 million, with almost 90 percent devoted to staff pay and benefits. To ensure that our research staff can meet the needs of Congress, in fiscal 2019, CRS requests \$2.743 million to strengthen the Service's research capacity for highly complex current and emerging issues with the addition of 20 FTEs. These personnel additions will significantly advance the Service's efforts to restore the research and analytical capacity, lost through attrition in recent years and better enable us to plan for the imminent departure of a significant portion of our workforce. In addition, these new positions will allow CRS to increase diversification of staff expertise and maintain robust research across legislative areas. As a result, CRS will be better situated to provide timely and comprehensive support to Congress on key policy issues in the future.

**BUDGET CHALLENGES**

Since 2010, CRS has lost more than 13 percent of its staff due to flat budgets and inflationary pressures. Although CRS has been able to mitigate some of the impact due to staff reduction, the Service is not able to replace staff on a one-to-one ratio.

In addition, 23 percent of CRS staff will be retirement eligible in fiscal 2018. Seamless workforce succession that ensures continuity in subject matter expertise is a critical challenge that will only grow as CRS research staff retires. Even when CRS is able to hire for vacancies created by retirements, current CRS experts must absorb additional subject area responsibilities until the position is filled as well as devote time to support knowledge transfer to the newly hired analyst.

CRS products and services are frequently and heavily utilized by virtually all congressional offices and committees and it is expected that demand will remain at these levels or increase in the future. Consequently, CRS must act now to arrest the reduction of personnel and aggressively supplement research capacity. Congress's approval of the eight entry-level positions in the Consolidated Appropriations Act, Fiscal 2018 was an important first step in this effort. However, the additional FTE's requested as part of the fiscal 2019 budget are necessary to replenish CRS's staffing to near pre-2010 levels.

With such staffing challenges and without additional funding, CRS anticipates:

- More gaps in the scope and depth of analysis;
- An inability to offer full research coverage, in particular in high-demand areas, such as education, health care, taxes, infrastructure and natural resources;
- An increased need to prioritize assignments, resulting in less timely responses; and,
- A diminished ability to effectively perform all of the functions required of CRS by statute.

Meeting the needs of Members and staff is CRS's highest priority, and the Service remains committed to providing timely responses, products and consultations on the broad range of issues before Congress. Yet, while the eight new appointments authorized in the fiscal 2018 appropriation will certainly mitigate the impacts noted above, CRS capabilities to meet congressional requests will continue to be stretched thin.

#### **FISCAL 2019 PROGRAMMATIC INCREASE REQUEST**

The CRS 2019 budget request includes a program increase of \$2.743 million. Support for this program request would permit CRS to increase research capacity in the following areas:

- Four (4) FTEs to support domestic policy in the areas of healthcare insurance and financing, healthcare services, and education policy;
- Four (4) legislative attorneys focusing on military and veteran's law, tax and bankruptcy law, and constitutional law;
- Two (2) FTEs, an analyst and an economist, to enhance coverage in oversight issue areas related to international development assistance and global emerging economies;
- Two (2) analysts to cover emerging national security and intelligence issues related to cybersecurity, foreign arms exports and military assistance;
- Four (4) FTEs, analysts or economists, to broaden the depth and scope of coverage in government oversight issues, macroeconomic policy, economic development policy and legislative process support; and,
- Four (4) analysts to augment the specialized knowledge necessary to better support legislative work in the areas of agriculture, science and technology, energy, transportation and infrastructure.

CRS is committed to maintaining and strengthening the breadth and speed of delivery for all research products and consultations. With the appointments of additional content area specialists and a focus on innovation and responsiveness, CRS will be able to ensure a seamless succession of expertise and continue to robustly meet Congress's needs in an increasingly fast-paced legislative environment.

#### **SERVICE TO CONGRESS**

In the last fiscal year, CRS provided significant support to Congress on a broad range of policy issues such as the federal budget, health care reform, and federal programs requiring reauthorization, environmental regulation, immigration, border security, federal land management and intellectual property. CRS experts also provided critical research, analysis and consultative assistance on emergent issues, including the nomination of a new Supreme Court justice, the opioid crisis, developments in the Middle East and North Korea, and federal emergency management challenges brought about by multiple natural disasters. In addition to

providing research and analytical expertise, the Service supported Congress's work through its online services.

CRS undertook a substantial revision of content for "The Constitution of the United States of America: Analysis and Interpretation (CONAN)," the statutorily required document in which CRS attorneys provide legal analysis and interpretation of the Constitution, based primarily on Supreme Court case law. This initiative was undertaken in concert with a broader effort to develop an initial prototype for the design and search functionality of the next-generation CONAN website. A modernized CONAN will enable greater ease of access and utility for Congress and the public.

The Service worked to leverage technological advances and package its research and analysis in ways that best suit Congress's needs. In fiscal 2017, the CRS joined the Skype for Business Federation with the House, Senate and Architect of the Capitol, opening new pathways for interacting with congressional clients. In addition, CRS conducted a pilot of a new podcast product, providing congressional clients mobile access to discussions of legislative issues by CRS analysts.

CRS continued to develop geographic information systems (GIS) products and tools to respond to congressional interest in geospatial analysis. The Service completed 185 GIS-related requests on issues of interest to Congress including federal lands, energy, military installations, education, national monuments, floods and wildfires.

Finally, the Service has been working closely with the Committee on House Administration to plan the next CRS Seminar for New Members for the incoming group of Members to the 116<sup>th</sup> Congress.

#### **CRS STRATEGIC INITIATIVES**

In 2017, the Service participated in the Library of Congress "Envisioning 2025" initiative which informed the Library's future direction and priorities. To lay the groundwork for the companion Directional Plan for CRS, the Service hosted a senior management offsite meeting, at which senior leaders discussed the agency's products and services portfolio, staff composition, organizational model, prioritization and other strategic topics to guide the work of the agency moving forward.

In 2017, CRS moved forward in the execution of its Strategic Plan. The Service focused on enhancing the skills of its professional workforce through several programs, including leadership development training for first-line supervisors and nonsupervisory staff, and expansion of the new employee mentoring program to include guidance for existing staff members. In addition, CRS continued its Core Writing Curriculum program, in which senior staff members provide newer analysts with tools and best practices in preparing effective

analytical writing for congressional clients. Efforts also focused on improvements to internal communications and enhancing diversity and inclusion within the workforce.

To maximize efficiency and strengthen internal collaboration and coordination, CRS consolidated its Finance and Administration and Workforce Management and Development offices into one organizational unit, the Office of Administrative Operations; and combined the Program Office and Communications Office into the Congressional Programs and Communications Office. In addition, following a pilot, research librarians in the Knowledge Services Group were moved permanently to the research divisions to better align with the work of analysts and meet the divisions' research priorities and requirements.

In addition, CRS has been working closely with the Library's Chief Information Officer to ensure that CRS reports are made available to the public within the time frame directed by Congress in the fiscal 2018 appropriations act.

#### **CONCLUSION**

CRS remains dedicated to fulfilling the important responsibility that Congress has entrusted to the Service. However, years of steadily decreasing staffing levels and the impending retirement eligibility of a significant portion of our workforce has placed the Service in a precarious position. In recognition of the budgetary constraints under which we have operated, we are constantly exploring ways to function more efficiently while continuing to be responsive to the needs of an ever evolving Congress. We have adapted our product line to better meet congressional needs, adopted state-of-the-art research methodologies and utilized new formats to present our research and analysis. The modernization of technology systems promises to streamline CRS workflow and position the Service to offer more advanced research products.

Yet these efforts will be of limited utility without the research and analytical expertise necessary to fully execute our mission. Recovering critically needed staff capacity and replenishing analytical experience will ensure that these investments reap their greatest benefit for Congress and that CRS is positioned to continue providing the level of research and analytical support to which Congress has become accustomed.

Mr. Chairman, Ranking Member Ryan and Members of the Subcommittee, CRS is honored and proud to serve the United States Congress. I thank you again for your support of CRS and for your consideration of our fiscal 2019 budget request.

**Statement of Karyn Temple  
Acting United States Register of Copyrights**

**Before the  
Subcommittee on the Legislative Branch  
Committee on Appropriations  
U.S. House of Representatives  
April 25, 2018**

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

Thank you for the opportunity to submit the United States Copyright Office's fiscal 2019 budget request.

The nation's copyright system provides exceptional benefits to all who use it, from those who work in copyright industries to those who seek to use copyrighted materials to the public at large. It incentivizes the development of our creative culture and facilitates the important exchange of information among researchers and potential users of copyrighted materials. The importance of copyright is highlighted by the fact that, in 2015, copyright industries employed more than 5.5 million workers and contributed over 6 percent of the total U.S. GDP.<sup>1</sup>

The Copyright Office has an essential role in this ecosystem. The Office administers the copyright law and, in fiscal year 2017 alone, registered 452,000 claims to copyright, examined 5,984 statutory licensing filings, and recorded nearly 15,000 ownership-related documents—generating a total of more than \$39 million in fees for its services. The Office administered over a billion dollars in royalties for statutory licenses to use certain copyrighted works. The Office also manages the mandatory deposit provision of the Copyright Act that provides the Library of Congress with a myriad of published works for its collections, which in fiscal 2017 included 658,045 published works worth over \$40 million.

To assist its work and provide a foundation for modernization, the Copyright Office in fiscal 2017 undertook substantial successful measures to streamline and update its practices. The Office issued nine final rules and worked on an additional eight proposed rules that increased the effectiveness of the copyright system. For example, the Office published final rules regarding group registrations of newspapers and photographs to provide a more efficient

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<sup>1</sup> INTERNATIONAL INTELLECTUAL PROPERTY ALLIANCE, COPYRIGHT INDUSTRIES IN THE U.S. ECONOMY: THE 2016 REPORT, at <https://iipa.org/files/uploads/2018/01/2016CpyrtRptFull-1.pdf>; see also U.S. PATENT AND TRADEMARK OFFICE AND THE ECONOMICS AND STATISTICS ADMINISTRATION, INTELLECTUAL PROPERTY AND THE U.S. ECONOMY: 2016 UPDATE (2016), at <https://www.uspto.gov/sites/default/files/documents/IPandtheUSEconomySept2016.pdf> (noting that copyright-intensive industries provided 5.6 million jobs in 2014 numbers).

electronic submission mechanism to file for copyright registrations, and a final rule for refining the deposit requirements for certain types of literary works and musical compositions. To further simplify and automate its processes, the Office issued new rules to allow electronic signatures on electronically filed statements of account, for the removal of personally identifiable information from registration records, and an interim rule with improvements in the process of recording of transfers of copyright ownership, which can facilitate the licensing marketplace.

The Copyright Office also performs critical legal and policy functions for the United States. In fiscal year 2017, the Office assisted Congress with numerous copyright-related policy issues, including by releasing legal and policy reports on a wide array of issues such as section 1201 limits on circumvention of technological protection measures, software-enabled consumer products, exceptions for libraries and archives, and mass digitization. The Office also provided expert copyright advice to Congress during its continuing review of the nation's copyright law on a number of key copyright issues. Further, in fiscal year 2017, Office lawyers conducted extensive copyright legal analysis and worked with the executive branch and the courts on a number of high-profile litigation matters, including one case before the U.S. Supreme Court. On the international front, the Office participated on international delegations working on copyright treaty provisions and in intergovernmental groups assessing the impact of foreign copyright systems.

Moreover, the Copyright Office has continued its critical mission of assisting the public with understanding and navigating copyright issues. In fiscal 2017, the Office answered almost 194,000 phone, email, and mail inquiries, retrieved and copied thousands of copyright deposit records for parties involved in litigation, and assisted nearly 2,000 in-person visitors. The Office also proactively worked to distribute forty-eight issues of NewsNet, an electronic news service covering legislative and regulatory developments and general Office news, to more than 28,000 subscribers.

To conduct all of this work effectively and efficiently, the Copyright Office needs the foundation of a modern information technology system. Developing and deploying modernized systems that facilitate and enhance the Office's work and provide a positive experience for the public is therefore one of the Office's highest priorities. To that end, in September 2017, the Office and the Library of Congress's Office of the Chief Information Officer (OCIO) jointly submitted to the House and Senate Committees on Appropriations a revised Copyright Office IT modernization plan that focused on leveraging resources within the Library to take full advantage of possible economies of scale. That revised plan, *Modified USCO Provisional IT Modernization Plan: Analysis of Shared Services, Support Requirements, and Modernization Efforts*<sup>2</sup> ("Modified IT Plan"), supplements the Office's 2016 *Provisional Information*

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<sup>2</sup> U.S. COPYRIGHT OFFICE, MODIFIED USCO PROVISIONAL IT MODERNIZATION PLAN: ANALYSIS OF SHARED SERVICE, SUPPORT REQUIREMENTS, AND MODERNIZATION EFFORTS (2017), <https://www.copyright.gov/reports/itplan/modified-modernization-plan.pdf> ("Modified IT Plan").

*Technology Modernization Plan and Cost Analysis*,<sup>3</sup> and draws on the collaborative work of the Office and the OCIO to identify possible synergies that might exist now or in the future, as both the Office and the Library engage in dual modernization efforts.

Through all of its work, the Copyright Office sits in the middle of the complex and incredibly important national copyright system, and continues to provide Congress, the executive branch, the courts, and the public with expert copyright staff who work hard to administer the copyright law.

#### FUNDING AND OVERALL FISCAL YEAR 2019 BUDGET REQUEST

The Copyright Office requests a budget for fiscal year 2019 that will enable the Office to fulfill crucial copyright modernization goals in the Modified IT Plan, and to provide for supplemental staffing necessary to achieve greater efficiencies in registration, public records, public information services, and legal review. As the Office positions itself for the future, the requested funds will support the changes necessary to provide world-class service to a wide variety of constituencies—from the copyright community to government entities to the public at large.

The Copyright Office’s overall budget is composed of 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 2019, the Copyright Office requests a combined total of \$93.4 million in funding and 483 FTEs, of which \$49.8 million would be funded through authority to expend fees collected in fiscal year 2019 and in prior years.

The Office’s fiscal year 2019 requests are:

- *Basic Budget*: \$85.8 million and 454 FTEs. \$21.6 million and 23 FTEs of this request are for new initiatives, including funding Copyright Office modernization activities aligned with the joint Modified IT Plan, 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.

<sup>3</sup> U.S. COPYRIGHT OFFICE, PROVISIONAL INFORMATION TECHNOLOGY MODERNIZATION PLAN AND COST ANALYSIS (2016), <https://www.copyright.gov/reports/itplan/technology-report.pdf> (“Provisional IT Plan”).

The Office requests that \$39.2 million be provided through authority to expend fiscal year 2019 fee revenue and that \$4.3 million come through use of unobligated revenue balances of prior years. The Office requests that the remaining \$42.3 million come from appropriated dollars.

Initiatives to be funded through this request include:

- o \$12.1 million (8 FTE) for Office modernization activities, which in fiscal year 2019 will primarily encompass development work for the next-generation registration system and final development and deployment of the automated recordation system. In addition to technical development efforts, this initiative includes eight positions needed to ensure effective project oversight through the Copyright Modernization Office ("CMO"), which is partnered with the Library's OCIO.

The recommended mix of funding for this initiative includes \$4 million in increased offsetting collections authority, \$2 million in prior-year unobligated balances, and \$6.1 million in new appropriations.

- o \$5 million for the Office's Searchable Historic Records project. This request will focus on completion of the digitization of the public records and development of the Office's virtual reading room. Pending an industry analysis currently underway to identify the best approach, the project will transition to indexing records to develop public search capabilities for all records via a web interface.
  - o \$2.1 million (15 FTE) for additional examination positions to reduce pendency times for copyright registration.
  - o \$1.3 million to provide for the long-term storage of the Office's physical copyright deposits, a significant number of which must be secured by the Office for the life of the underlying copyright.
  - o \$1.1 million for contract support to reduce the backlog of recordation requests and to prepare for transition to an automated recordation system.
- *Licensing Division Budget:* \$5.8 million, all of which is funded via fees and royalties. The requested increase includes mandatory pay-related and price level increases of \$.75 million.
  - *Copyright Royalty Judges Budget:* \$1.8 million in total, with \$.15 million to support mandatory pay-related and price level increases. \$.5 million (for non-personnel-related expenses) of the total request is offset by royalties. The remainder, \$1.3 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 three key areas: (1) increased funding for IT modernization efforts, including the historical records initiative; (2) staffing for the Office's core registration services, and (3) contract support to support the Office's recordation program as well as for inventory activities to prepare for the Office's long-term need to secure physical copyright deposits.

##### Copyright IT Modernization

Modernization of the Copyright Office's aging information technology systems and applications is the Office's first priority. In partnership with the Office, the Library's OCIO developed detailed cost projections and timelines for full IT modernization that align with the revised provisional IT modernization plan and are reflected in the Office's modernization funding request. In addition to partnering on the modernization planning, the OCIO is taking full responsibility for the technical IT responsibilities for the Office, as the Library consolidated all Office information technology positions within the OCIO in December 2017. With all technical IT support now residing within the OCIO, both the Office and the OCIO support a new approach to maintaining the Office's oversight of its mission-critical systems. In accordance with the revised plan, in January 2018 the Copyright established the CMO, which complements the OCIO's technical support by providing the business direction necessary to ensure modernization projects are continuously aligned with the Office's mission and strategic goals. In keeping with the plan's dual-governance approach, the Acting Register of Copyrights and the Library's Chief Information Officer jointly chair a newly-formed Copyright Office Modernization Governance Board, which provides the executive direction critical to meeting the offices' long-term modernization goals.

Projects already underway under the supervision of the CMO and the Governance Board include the Copyright Office's new automated recordation system, which is entering into final development stages in anticipation of a calendar year 2019 release, and which completely overhauls the current manual recordation of documents. The Office and the OCIO have also begun early-stage work on the Office's next-generation enterprise registration system through a contract that provides for design of the user interfaces that unify how end users experience the Office's applications. Also noteworthy is the January 2018 release of the Office's "proof of concept" Virtual Card Catalog, which provides preliminary and accelerated public access to historical copyright records in advance of full digitization of all Office records while seeking public input on options for further access. Furthering the goal of data accessibility, both for public benefit and for operational insight, the Office also is developing a data management model that ultimately will provide for a federated search technology to allow users to search

across registration, recordation, and licensing databases, and that will establish chain-of-title sequencing that can link registrations to recordations or other documents.

Using the development and deployment timeline developed by the Library's OCIO, Copyright Office IT modernization activities planned for fiscal years 2019 through 2024 include development and unification of public interfaces and all Office workflows through an enterprise solution. This enterprise solution will consist of modular applications including the next-generation registration system, the recordation system, the public interfaces, back-end processes, and future incorporation of statutory license processing.

The first phases will focus on registration processing, using data collected from the user interface project already underway, with development work next incorporating back-end requirements. Development will be complex, as the final system must integrate processes for complicated copyright examination procedures, copyright deposit management, fee payments, and other workflows. Given the scope of the system, development for the next-generation registration system is expected to span five years. Since the next-generation copyright registration system will be developed using agile methods, certain functionality will be available to Copyright Office staff and to the public even before all development activities are completed. As resources allow, development work for other processes will proceed in order of priority and in keeping with the overall timeline and planning documentation.

In support of ongoing and planned modernization projects, the Copyright Office is thus requesting \$12.1 million, comprised of a mix of fees, prior-year unobligated balances, and new appropriations, as referenced above. The request is proposed as recurring over five years, at a total of \$60.6 million. In fiscal year 2024, the Office would request that all but \$5.4 million non-recur, with the remaining funding providing for ongoing maintenance and operations costs of the deployed enterprise solution.

#### Searchable Historical Records

Recognizing its responsibility for the maintenance of the world's largest catalog of records of copyright, the Copyright Office continues to prioritize its efforts in securing the Office's historical records through digitization and in making those records accessible in an online and easily searchable format. For fiscal year 2019, the Copyright Office is requesting \$5 million, inclusive of \$1 million in prior-year unobligated balances, to recur over seven years for the searchable historical records project. The requested funding will allow the Office to take advantage of technological advances in digitization to complete the data capture and digitization of all remaining historical records, as well as the development and launch of a new, modernized Public Records Catalog IT system.

### Copyright Office Staffing

To fully modernize, the Copyright Office must focus on its systems as well as the valuable personnel resources necessary to provide quality services to the public at large, copyright owners, technology companies, and the Library itself. Through its employees, the Office provides expert guidance to the public, Congress, other federal agencies, and the courts in copyright law analysis, examination of claims, and document recordation. The Office conducts outreach and education and provides customer service to the thousands who annually seek information in person, on the phone, and through email.

In the fiscal year 2019 request, the Copyright Office seeks to add much-needed registration specialists. The Copyright Office continues to experience an overall upward trend in copyright registration requests, with the number of workable claims increasing steadily since early fiscal 2012. It is an Office priority to provide reasonable registration review processing times, and the Office continues to focus all available resources on addressing the many factors that have caused increasing processing times. As modernized systems and processes have proven critical to improving productivity, the Office must also maintain adequate numbers of employees trained in complex copyright claims examination. The fiscal year 2019 request augments the fiscal year 2018 request for additional examination staff, allowing the Office to efficiently onboard and train multiple teams of examiners.

For fiscal year 2019, the Copyright Office also is requesting temporary funding increases for contract support to accelerate the reduction of its recordation workload and assist in the transition to a new, automated recordation system. The Office's request for temporary contract support also will provide for much-needed inventory software as well as a comprehensive inventory of the copyright deposits and other materials stored by the Office so that the Office can accurately assess current and future storage needs as modernization efforts progress.

Along with the IT modernization request, these requests are part of the Copyright Office's multi-pronged planning to ensure modernization takes place across all of its operations. To enable appropriate analysis of staffing requirements, the Office initiated a number of internal assessments of its organizational structure and also recently commissioned a report that evaluated the Office's capabilities for collecting, monitoring, and analyzing all of its costs. The recommendations stemming from the assessments and report will be used to further monitor and refine workflows so that the work of all of the Office's employees is optimized.

### **PENDING CHANGES TO THE COPYRIGHT OFFICE FEE STRUCTURE**

The Copyright Office recognizes that fees collected from users of its services are an important source of funding for ongoing operations, and that the Office must regularly evaluate the sufficiency of its fee structure, especially when making requests for additional appropriations.

In November 2017, the Copyright Office completed the first phase of an Office-wide fee study, bringing in expert consultants for the first time in decades to comprehensively evaluate the Office's fees. This initial study considered internal drivers of the Office's costs and external factors, such as an assessment of economic trends that affect stakeholder value, statutory restrictions, and policy goals. As part of this assessment, the Office also directed consultants to consider the costs of modernization of the Office's systems. Using recommendations resulting from that study, the Office is drafting a Federal Register notice requesting public comment on proposed fee changes.

As part of the Copyright Office's evaluation of fees, the Office supports possible changes to its overall funding legislation. For example, the Office would benefit from greater flexibility in the use of prior-year unobligated fee balances, which could allow the Office to provide services to the public in the event of a lapse in appropriations. Flexibility in management of prior-year balances across budget cycles also could provide for more efficient and cost-effective administration of large, non-recurring projects related to modernization and other capital expenditures. To that end, the Office submitted a request for a change in the fiscal year 2019 appropriations language to allow for 20% of the balance available in prior-year fees to be available each year, in addition to appropriated amounts, for obligation without fiscal year limitation, and to allow the Office to access prior-year balances to continue operations during a lapse in appropriations.

The Office also is interested in pursuing additional fee-setting options, such as through the use of subscription fees, differential fees, or additional fees for high-volume access to improved and modernized data. The Office would welcome explicit authorization from Congress permitting the Office to contemplate a wide range of fee types to further the use of the copyright system.

\* \* \* \* \*

The Copyright Office understands the significance associated with a budget request of the size and scope necessary to position the Office for success in an increasingly digital world. The Office is committed to its own continuous improvement and to an honest assessment of its needs and costs of services, and greatly appreciates the Committee's consideration of this request, as well as the ongoing support for the success of the Office and for the national copyright system.

## VISITOR'S EXPERIENCE

Mr. YODER. Thank you for your testimony. You spoke to the committee about the visitor's experience.

Dr. HAYDEN. Yes.

Mr. YODER. I thought maybe we could dive into that a little bit. This is a new project at the Thomas Jefferson Building. It is a public-private partnership that has the potential to change and revolutionize the experience for visitors at the Library.

You stated, I think, well, that you are the largest library in the world. And Mr. Ryan makes the case that the Founders would be astounded to see how far we have taken it. Yet one of the concerns you have laid forward is that maybe we are not fully grasping the potential for the public to be engaged with the experience the Library has to offer.

Can you talk to the committee about why this project is important and how it will enhance and benefit the experience of those coming to Washington, D.C.?

Dr. HAYDEN. Congress invested a significant amount of funding in the 1990s to renovate and bring out all of the architectural beauty of the Thomas Jefferson Building. It was a magnificent project. The Main Reading Room was closed for 5 years. And now 1.8 million visitors physically come into the Jefferson Building, and they all say this is the most beautiful building—some people agree—in Washington.

Mr. NEWHOUSE. That is what I tell everybody.

Dr. HAYDEN. It is. And, however, they leave without getting the experience of connecting to the collections, those magnificent collections that the Library has, and also without an understanding that this is their Library as well and to get a chance to have that and be inspired, we hope, like so many other people have.

And so the project has three parts: to make sure that the Library has a permanent exhibition space to exhibit the treasures, from the Gutenberg Bible, to the contents of Abraham Lincoln's pockets the night he was assassinated, to the original draft of the Declaration of Independence in Thomas Jefferson's hand with footnotes by Benjamin Franklin and John Adams; and a rotating collection that will showcase all of the things that the Library has, film, sound recording, all of these things. So that will be a major part, a treasures gallery, as we are calling it.

Also, people walk into the wonderful Great Hall. They are fascinated by the beauty. And then they are not able to go into the magnificent Reading Room. And that will be the second part, to open up the Reading Room with acoustical and privacy protections for any researchers that might be in the room, and to get the idea across about Thomas Jefferson's library.

So we are hoping we will be able to relocate select items from Thomas Jefferson's original 6,000 volume library, in that space in the Reading Room, and tell the story of the Library.

And a part that is very exciting for a former children's librarian is to have an actual youth center, hands-on history, to engage young people—and we are talking very young all the way up to teenagers—in working with primary sources, to see Alexander Hamilton's last letter to his wife. They are engaged with the play.

This is the time for them to actually see that, to test paper, to find out how you preserve documents, and also think about making history themselves.

So those three areas would be the major focus. And then, of course, enhancing the gift shop and also having some cafe-type of experience as well so people can linger.

So we are very excited about this opportunity.

#### VISITOR EXPERIENCE TIMELINE

Mr. YODER. Well, I think it is a wonderful vision and really connects the public in a way that you, as you laid out, haven't been connected in the past and makes the Library a much more tangible, usable asset.

What are your estimates on the timeline, the cost? How many visitors do you expect you might see? How many do we get now? And sort of how do you view the numbers?

Dr. HAYDEN. I mentioned the 1.8 million, and we are working very closely with the Architect of the Capitol, Mr. Ayers. His staff has been very involved as we have developed this. And we know that we will be working with them on the impact of additional visitors and flow and egress and things like that.

So that is part of a master plan with an estimated timeline, that should be about 12 months. And that is the master plan for everything. \$2 million is the estimate for that plan. And I think that is in the appropriated proposed language as well. The actual master plan should be available in June of 2019.

Mr. YODER. When the project will be completed?

Dr. HAYDEN. Everything. And this will include fundraising, that private-public partnership that I mentioned. So that will be going on as well.

The entire project should be finished by May, June of 2023. And that would include the treasures gallery, the Reading Room, and the youth center. And we also think that 2023 is a wonderful timeline.

[The information follows:]

#### VISITOR EXPERIENCE CLARIFICATION FOR THE RECORD

The Visitor Experience design will be completed in 2020. The Visitor Experience project is expected to be designed, fabricated and completed in the 2023/2024 timeframe.

Mr. YODER. A great vision. All right. Thank you.

Mr. Ryan.

#### FUNDING IMPACTS

Mr. RYAN. Thank you, Mr. Chairman. I just got motivated to get reelected a couple more times to make sure I am here for all that.

One of the issues with the upcoming fiscal year 2019 bill, other than the Visitor Experience, the bill proposes to give your salaries and expenses account a \$6.8 million increase over last year, but \$6.2 million less than the request.

Can you share with us what that means for you and your operation?

Dr. HAYDEN. And I want to rephrase to make sure that I answer correctly in terms of the impact of getting less. That would prob-

ably necessitate a hiring freeze, and we hope that we would not have to have any furloughs. And also reducing some programmatic aspects as well. But a hiring freeze would be.

Mr. RYAN. And have you evaluated what programs would be reduced or eliminated?

Dr. HAYDEN. We have thought about it. And in terms of actual programming, we wouldn't want things that affect the core mission. That is the preservation, conservation, basic reference work, CRS, and Copyright. So those mission-critical things, we would definitely look at.

#### CONGRESSIONAL DIALOGUE

Mr. RYAN. In the interest of making sure all of our colleagues have an opportunity, Mr. Chairman, I yield back.

Mr. YODER. Mr. Amodei.

Mr. AMODEI. In the same interest as the ranking member, I yield back.

Mr. YODER. Ms. Wasserman Schultz.

Ms. WASSERMAN SCHULTZ. Thank you.

Mr. RYAN. You have 15 minutes of questions you can ask.

#### LIBRARY'S YOUNG READERS ROOM

Ms. WASSERMAN SCHULTZ. I will only take 3 or 4 hours. No problem.

I wanted to just ask you about the potential improvements and expansion of the young readers room. Is that part of the vision of the—

Dr. HAYDEN. The visitor experience. And we want to thank you also, I know that have you been involved, the idea of having a place for young people to get inspired.

Ms. WASSERMAN SCHULTZ. Thank Jake and Rebecca Schultz.

Dr. HAYDEN. I recently received a letter from an 8-year-old, Adam Coffey from San Clemente, California, who expressed a little disappointment that there wasn't a young reader's card and definitely spaces for young people. And we know that there is an opportunity with the lack of significant investment now.

Ms. WASSERMAN SCHULTZ. So he was not impressed with what is there now?

Dr. HAYDEN. Oh, he was impressed. We invited him in. He is going to be the first recipient of the young reader's card, with his approval.

Ms. WASSERMAN SCHULTZ. Oh, good.

Dr. HAYDEN. So we are looking at that. But there is a need to supplement civics education throughout the country. When I have traveled, that is something that I am hearing, that people want to be able to encourage young people to get involved in history, make history themselves. So that focus on the youth center will have several areas based on age groups.

Ms. WASSERMAN SCHULTZ. That is great.

## HANDS-ON HISTORY

Dr. HAYDEN. And also an area for teachers. We have teaching with primary resources, so we will be able to supplement that as well.

So it is very exciting. And when I mention it to people throughout the country, they are very excited about having screens that will allow young people to interact with curators and with preservation and conservation specialists in the Madison Building.

Ms. WASSERMAN SCHULTZ. Oh, wow.

Dr. HAYDEN. So they may be able to talk to a conservator who is working on something and then preserve some paper themselves, invisible ink. We are trying all the things that will get them involved.

Ms. WASSERMAN SCHULTZ. So not to bore you, Mr. Chairman, but 14 years ago when I first came to Congress, twin 5-year-old little boy and girl who I gave birth to, wanted to do nothing more than to go across the street to the Library of Congress and check out a book, which was not possible.

And there were no children's books at all in the Jefferson Building. I went to the stacks and found an annotated research fairy tale books, Aesop's fairy tales, and that didn't quite cut it for my 5-year-olds.

And fast toward a few years later, and when I had a chance to talk to your predecessor, Dr. Billington, and now you are expanding on that dream, the young readers room was created. And Jake, Rebecca, and Shelby Schultz were the ribbon cutters for the opening of it. And that little boy and girl just finished their freshman year of college. So time flies.

And thank you. It is really, I share the feelings of my colleagues, of how much love we have for the Library. And thank you and your colleagues for the incredible Library of Congress dinners that I know are underwritten, but also that require Herculean effort on the part of your staff to put on. And they are not only educational, but one of the few opportunities that I think we all have to sit and break bread together in a bipartisan way and learn something and get to know one another.

So thank you very, very much.

And now I have an actual, real, substantive question, on electronic media. I actually have two questions, and then I will be quiet.

## COPYRIGHT MANDATORY DEPOSIT RULEMAKING PROPOSAL

You published a notice of proposed rulemaking that you would begin demanding e-books under your mandatory deposit rule on a request basis. And that is a long overdue step. I think it is phenomenal that you have moved in that direction, because you have authors and publishers now that create electronic-only books and self-publish.

And so my question is a couple parts. How as Members of Congress can we help support the Library with the resources necessary to carry out that increased responsibility? And do you see the Library making an affirmative commitment in terms of making this

a requirement in the future like it currently is for printed publications.

Dr. HAYDEN. As Librarian of Congress, I am responsible for the administration of the copyright process and the efficiency. And IT modernization, of course, is going to be a major part of any future digital aspects of copyright deposit.

And we are very pleased that Karyn Temple, who is the Acting Register, is involved with the policy, of course, and that she is here to be able to address the rulemaking directly.

Ms. TEMPLE. Good afternoon. Thank you.

In terms of the rulemaking, yes, we did issue a rulemaking on behalf of the Library to begin potentially the collection of e-books. That rulemaking will be open until the end of May. We will receive comments from various stakeholders about how the collection of e-books actually should take place. And once we receive those comments, we will be able to draft a final rule, which will allow the Library for the first time to be able to collect through mandatory deposit electronic-only books.

So that is something that I know that the Library is really supportive of given their interest in providing for access to digital material.

Ms. WASSERMAN SCHULTZ. Do you think you will expand that to audio books and podcasts as well eventually?

Ms. TEMPLE. So in 2016 we did issue a notice of inquiry on the Library's behalf asking about whether we should expand mandatory deposit to both e-books and sound recordings.

We determined at this time, or rather the Library has determined at this time to restrict the current rulemaking just to e-books and not to expand to sound recordings. I don't think the Library will consider expanding to sound recordings until after we get comments from stakeholders about the e-books.

Ms. WASSERMAN SCHULTZ. The e-books.

Ms. TEMPLE. And then determine whether we have even the capacity to be able to accept e-books and sound recordings. And then, subsequently, I think that there will be at some point a sound recording NPRM, but that is not something that will probably happen in the near future.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I have two more questions. Do you want me to ask them now?

Mr. YODER. Sure.

Ms. WASSERMAN SCHULTZ. Okay.

Dr. HAYDEN. And Mr. Sweeney also worked closely with Ms. Temple on that in terms of from the Library side.

Ms. WASSERMAN SCHULTZ. Thank you very much.

Ms. TEMPLE. Thank you.

#### CONGRESSIONAL RESEARCH SERVICE WORKFORCE

Ms. WASSERMAN SCHULTZ. My other question is on the CRS workforce. It has decreased by approximately 13 percent in the last 8 years.

Dr. HAYDEN. Yes.

Ms. WASSERMAN SCHULTZ. You have lost 92 FTEs, and 23 percent of CRS staff will be eligible for retirement this year. I mean, we need to let that sink in for a moment.

Given that CRS processes over 60,000 requests for custom research and that almost a quarter of CRS staff will be eligible for retirement this year, what steps are you taking to retain current subject matter experts and to recruit new qualified experts? And how can we support your efforts?

Dr. HAYDEN. This fiscal year's request is for 20 additional FTEs, and those will be more senior analysts, economists, lawyers, who will give more depth to the CRS services. That is in addition to the eight junior positions that were requested last year.

There is an active mentoring program that is going on right now, and they are very aware of the need for knowledge management. And in fact, IT modernization is helping in terms of the capturing of information and knowledge. It is an information knowledge system that CRS is working on as well.

So that when that 27 percent that are eligible for retirement right now, that is concerning, because some of that experience is very difficult to transfer. But the technology and what CRS is working on in terms of technology is to have an information management program that people can basically transfer some of the knowledge that they are expert in and working on digitizing the files. A lot of the analysts have files that go back many years.

Ms. WASSERMAN SCHULTZ. You are not talking about shifting to not having a person who is a subject matter expert?

Dr. HAYDEN. Oh, no. Oh, no. No. The strength of CRS is having the 24/7 access to an expert person.

CRS is also looking, I mentioned, about the instant messaging, texting, other ways to make sure—Skyping—and really using technology so that they are available in different ways.

So people are still the essence of it, though.

#### SUBJECT HEADINGS

Ms. WASSERMAN SCHULTZ. Thank you.

And my last question is, we don't really have too many contentious issues in the Legs Branch, but we did have one a couple years ago with the card catalog, and the renaming of one of the catalog categories related to how we refer to immigrants.

Dr. HAYDEN. Right.

Ms. WASSERMAN SCHULTZ. Or how we refer to what was at one point known as illegal aliens. And the Library had proposed modernizing the terminology, and there was an issue in this subcommittee that, let's say, slowed that process down. So where are we with that in the Library?

Dr. HAYDEN. The Library has proposed additional subject headings for that particular term, and over 5,000 of these types of updating actions take place a year with the Library.

Ms. WASSERMAN SCHULTZ. Right.

Dr. HAYDEN. There are all types of things. I was part of one in terms of African-American, Black, Negro, so I know that, in the 1970s.

So what the Library has proposed, terms that will not conflict with the U.S. Code. That was another concern. "Unauthorized immigration" is what was proposed.

Ms. WASSERMAN SCHULTZ. Okay.

Dr. HAYDEN. The other older terms, and this is as with all the other terms that have been updated, I think that is the easiest, without getting too librarian-ish, updated, because this is cataloging, subject headings, things like that, will still be available as cross references to newer terms.

So if you type in a term that has been updated, you will be referred possibly to another term. But this is a way that the Library uses. And the Library of Congress cataloguing is for all libraries, look to our cataloguing.

So right now we are paused, waiting on direction, but that was the original proposal. The library has looked at alternatives.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I don't know if you were on the subcommittee when we dealt with this, but the Library over the years has phased out terms that are offensive or that fall out of use or are ultimately deemed no longer appropriate for modern communication. And that term was one of those, which, again, was along with thousands of updates that they proposed.

And so as we move forward with this bill, if we could discuss possibly ensuring that we don't interfere with the Library's ability to be the professionals that they are and use their judgment as to what the appropriate search terms are. And it may be that they decide to keep it, since it is part of the Code and some people search that way.

But that was not their original proposal. And so giving them the freedom that they should have, particularly under the First Amendment, I think is something that we need to not be obstacles to.

And I yield back.

#### CROSS-REFERENCING TERMINOLOGY

Dr. HAYDEN. And, Mark, I don't know if you want to, but in terms of the Library catalog, the terms are not taken out of the catalog. It is just, if you think about a—and I won't mention the major search engine—but when you type in a term, what comes up first.

Ms. WASSERMAN SCHULTZ. Right.

Dr. HAYDEN. Or something like that. So it is adding additional terminology to the catalog.

Mr. SWEENEY. We continue to maintain cross references so people can discover works regardless of the terminology that they use. We never alter titles or anything like that or the text of an actual work.

We did an extensive survey of opinions around the proposed "unauthorized immigration" as well as "noncitizens," and take into full consideration the terminology used in the U.S. Code, try to make it as consistent as possible.

Ms. WASSERMAN SCHULTZ. Thank you.

Mr. YODER. Mr. Newhouse.

#### CONGRESSIONAL DINNER APPRECIATION

Mr. NEWHOUSE. Welcome, Librarian Hayden. It is a pleasure to have you here. And thank you for bringing all your people here, Mr. Sweeney. I am not sure how far, all the way across the room, I guess, right? But welcome and thank you for taking the time.

I, too, want to thank you for playing host to the dinners, the congressional dinners. Those are very worthwhile, and not only a good way to get us together in a bipartisan way, but to see the beautiful venue that you call your workspace.

And I honestly do, every chance I get, tell the visitors that come to the Capitol that they need to go see the Library of Congress. It is the most beautiful building in Washington, D.C.

So you mentioned that you got, I think, 93 million visitors to your website last year?

Dr. HAYDEN. Yes.

#### ACCESSIBLE COLLECTIONS

Mr. NEWHOUSE. Which is amazing. And that new collections are coming online all the time.

So I guess my question, what percentage of the Library's collection is accessible? And what kind of utilization do you foresee in the future with the resources that you are getting to accomplish that?

Dr. HAYDEN. I am going to let Mark answer the question.

Mr. SWEENEY. I would like to say that, well, all the collections of Library of Congress are accessible in one way or another.

Mr. NEWHOUSE. Online?

Mr. SWEENEY. Not online necessarily.

The exception, of course, would be the unprocessed collections that we have, which is estimated at about 28 million items. And an item that can be counted as a book could be an individual item or an individual sheet of paper in a manuscript collection is an item.

Mr. NEWHOUSE. What is unprocessed?

Mr. SWEENEY. Unprocessed means that the material has been received by the Library but it hasn't been organized and we don't have an entry, either a finding aid or a catalog record that people can use to identify what part of the collection they want. So, unfortunately, that means we are not able to serve the collection in the way that we would ideally want it to be.

Of course, on the spectrum of accessibility, at the highest level, of course, the item is digitized and is accessible 24/7 online. In order for that to happen a work has to be in a rights status that permits us to make it accessible like that.

So we have a very large collection, but a very, very high percentage of it is material that is not in the public domain yet or is rights-restricted in one way or another. An example would be that someone may have provided their papers, their manuscripts to the Library, but it may be under an embargo for a period of time.

So we have a lot of work to do. There is a lot in the collection that we can digitize and make accessible. But we tend to focus on items that are unique. There are titles or works that are only held by the Library of Congress or not widely held so that we don't duplicate what other libraries might be able to digitize, and then those items that have little or no restriction on their use, so that we can make them as broadly accessible as possible.

## INCREASING ACCESS

Dr. HAYDEN. And this year's fiscal request has 40 FTEs to double the rate of the processing of those special collections.

And I like to say, I mentioned Theodore Roosevelt and Susan B. Anthony. Just imagine all of these people behind us waiting. Their papers are there waiting to be put into a format that will allow you to not only look at them, but find them online. That is a process.

Mr. NEWHOUSE. So is it realistic to believe that at some point all the collections will be online?

Dr. HAYDEN. We recently had an inspector general report that says that history never stops. So there is always going to be material not online. And for the next 50 to 100 years, we estimate that we will still be receiving things in paper format from historical, significant people and organizations like the NAACP, which is the largest archive, but it is not digitized.

The 15 to 20 percent of things that are waiting to be processed will probably be the average. This request is to get us to that point, because we will always be in the near future, 50 to 100 years, getting in those types of materials waiting to be processed.

We are working on work-study programs, internships, citizen historian projects that will allow people from the public to help us in terms of this. But we really have to have dedicated staff to get that out.

## CRS INQUIRIES

Mr. NEWHOUSE. Just one more question, if I could, Mr. Chairman, about the Congressional Research Service. It has proven to be an invaluable asset that I think most all of us use. And Ms. Wasserman Schultz recited some numbers that are very concerning in staff changes. Not that people can't retire, but we have to be able to continue.

Has the number of requests for information increased over the last couple years? And what is the average turnaround time for offices that make requests to receive the requested information?

Dr. HAYDEN. You mentioned that our staff members are here. And the head of CRS, Ms. Mazanec, is here, and I would let her address that directly.

## CRS WORKFORCE

Mr. NEWHOUSE. And then I would ask also, how do you expect that will change when you add employees? I am trying to get, is it going to improve the timeliness if you can add more personnel? Thank you.

Dr. MAZANEC. Thank you for your question.

Mr. NEWHOUSE. Good to see you.

Dr. MAZANEC. Good to see you.

The number of requests is pretty consistent, but the requests are all over the board, from purely informational requests that are a very quick answer to more in-depth analytical requests. So I can't even begin to figure out or calculate the average time it takes to respond.

Mr. NEWHOUSE. Because it is all over the board.

Dr. MAZANEC. It is all over the board.

I think in recent years, as our staff numbers have come down, the analysts have worked with congressional staff to try to scope the request to be able to do what needs to be done in the timeframe that we are given. If we are given more time, we can produce a more highly analytical product.

Then your other question was about additional staff or—

Mr. NEWHOUSE. Well, how that would impact that turnaround time, I guess.

Dr. MAZANEC. I think what we are trying to do, what I am trying to do, is bring on staff so that the senior analysts and attorneys have more time to focus on the analytical work, the highly analytical, sophisticated work that at least they don't feel they have enough time to do because they are answering a lot of requests.

So some of the folks we are bringing on board, especially in last year's appropriation, fiscal year 2018, were more junior folks, 3- to 5-year NTEs, that would come in and hopefully unload the senior analysts so that they can do the more highly analytical work for Congress.

Dr. HAYDEN. It is like a SWAT team, and so triage. And so you have the junior level fielding the more basic type of questions and then the others coming in on that.

Mr. NEWHOUSE. Good. Good. I appreciate that. And since freshman orientation, before I even knew what CRS stood for, you guys were right there being very helpful. And so I want to expression appreciation for that, too.

Dr. MAZANEC. Thank you. You are so kind. Thank you.

Mr. NEWHOUSE. Thank you, Mr. Chairman.

Mr. YODER. While we are on the subject of CRS, Mary, if you wanted to stay at the table.

Dr. HAYDEN. And, Chairman, I must say, on a recent visit to CRS I noted an exceptionally large number of coffee machines.

Mr. YODER. Some late nights over there or what?

Dr. HAYDEN. They are something.

Mr. YODER. A lot of caffeine.

Dr. HAYDEN. A lot of energy.

#### PROGRESS ON MAKING CRS REPORTS PUBLIC

Mr. YODER. We will keep sending it over.

I just wanted to ask a little bit of a follow-up on making the CRS reports public, and that process, and what that will eventually look like to the public, what the timeline is. If you could just update the committee on your work since that measure has passed and how you see it progressing.

Dr. MAZANEC. Sure. We have done it right away. We are working on it very aggressively. We have a working group that consists of CRS analysts and folks, and also staff from Bud Barton's office, OCIO, to do the technology piece.

So we will be able to meet the statutory deadlines. It appears that the most feasible option, although I don't want to lock down into any definite plan at this point—we will get the plan to you as scheduled—is to use the Congress.gov website as the portal to go into and then have something on the website that would take you to another page for the CRS reports.

We are starting with our classic R Series reports, the classic analytical reports. And as this evolves, we will be adding additional products.

Did I answer your question?

Mr. YODER. I think so. I am trying to remember what the statutory timeline was.

Dr. MAZANEC. So we have to have a plan in 60 days.

Mr. YODER. Okay.

Dr. MAZANEC. And then after that we have—basically the drop dead date in September 2018.

Mr. YODER. To have it up and running?

Dr. MAZANEC. To have it up and running.

Mr. YODER. Okay.

Dr. HAYDEN. And I just have to say that this subcommittee's investment, Congress' investment in IT is allowing us—the last 2 years are allowing us to be much more capable of responding in a more timely fashion because everything is being centralized.

Mr. YODER. Right.

Dr. HAYDEN. So Mr. Barton is here, and I want to just give him credit for helping us.

#### NATIONAL LIBRARY SERVICE'S E-READER PROGRAM

Mr. YODER. Okay. Thank you.

On the NLS e-reader program, in 2006 Congress authorized the NLS to provide e-readers for electronic braille. Since that time, NLS has been working on a pilot program to determine the specific time of e-reader technology it would be best to invest in.

Could you update the committee on that pilot program and when NLS might be in a position to make a recommendation on the specific type of technology that Congress should invest in?

Dr. HAYDEN. And Ms. Keninger is not here today. She was ill. But the experiment with the Perkins School, about 200 e-readers, is yielding very good information about that, and they are tracking the usage of the new e-readers.

And it is anticipated that in the fourth quarter of fiscal year 2018, the NLS pilot will purchase up to 2,000 braille e-readers that will be distributed to eight of the network libraries. There are about 100 network libraries. So this will be the next pilot phase.

And from the early feedback, the response has been very good, and we are very excited about this opportunity to make more braille e-readers available.

Mr. YODER. When do you think the request will come to Congress to expand and to invest in the actual program?

Dr. HAYDEN. I will have to get back to you on that one in terms of the actual request that will be in. There are parts of the program in the testing in terms of working with different technology vendors in terms of producing the e-readers that will be used.

So we know the features that we want, but we will also have to make sure that we have a vendor that can produce the quantity of about 30,000 e-readers needed. So that is a part we will be looking at. So we will come back to you on that.

Mr. YODER. All right. And then lastly, back to the Copyright Office

Dr. HAYDEN. Yes.

## COPYRIGHT IT MODERNIZATION

Mr. YODER. We are investing in technology of last year, and in next year's bill we will be adding additional resources for technology based upon your request.

You know, we really want the Copyright Office to be successful and be efficient. And, of course, we have had public testimony in front of this committee in the past couple of years from outside organizations discussing how Patent and Trademark Office can turn around in 48 hours and it takes the Copyright Office 6 to 9 months and there are delays.

And one of the things you said is, obviously, there are different things, but also you need technology, we need to invest in it if we want to improve it.

Can you just give us a quick highlight of what you think the improvements will be and how they will actually affect the artists? Because we also hear from a lot of the artists who have frustrations as well, and they are counting on us to make reforms. And they are even asking us to do reforms, maybe, that even the Library doesn't agree with.

So I want to know how you see this going in a way that we can assure the artists and those using this service that, "Hey, we are getting this right. Just give us some time to invest and fix this."

Dr. HAYDEN. And Ms. Temple has been wonderful during this time with the IT modernization and working with Mr. Barton, with Copyright. And it includes working on the backlog.

This year's request is 15 more copyright examiners. That is to address part of the backlog. This goes with the 15 positions that were in last year's request. So there are about 30. You are getting to the level that Copyright had before. So these are the people who are determining what is eligible for copyright.

Also, the IT modernization, we are past stabilizing and optimizing what we have to developing a new system similar to what people are used to with tax, filing automatically there.

A lot of the backlog has to do with the process that is not automated like people are expecting in other parts of life where it stops you and makes you go back. If it is a paper-based system, that is difficult. It takes time.

So using technology to really modernize. And also the people that can help with the backlogs. I mentioned the 25 percent reduction in the registration, the recordation. Think of car transfer of title. That is entirely paper-based and manual. So IT modernization is going to really help with recordation.

## COPYRIGHT PROCESSING TIME

Mr. YODER. And as that backlog is resolved, do you see a typical turnaround time? Is there a way to estimate what that might become?

Dr. HAYDEN. Ms. Temple might be able to give you what we hope. We are working on the development of the system.

And, Karyn, do you want to just estimate?

And this is with, as we move forward, with the system going to tally—

Ms. TEMPLE. Yes. Obviously, we wouldn't actually be able to give you the specific time now. We would expect, though, that the time would be reduced significantly once we actually have a truly modernized system. It would go from the 7 to 9 months, for example, that we have for online filings that don't trigger correspondence to much less.

Mr. YODER. What does that look like? I know you can't say, "Look, we can put a guarantee in front of this committee that we will have it done in 10 days." But what would you think would be an appropriate turnaround time that would be the right speed, if you could get there?

Ms. TEMPLE. Well, I would say it would have to vary because it is going to depend on the complexity of the particular claim that we get into the office.

And in terms of how long it actually takes us to fully process the claim, that is actually also really largely affected by the quality of the application that we get in, if we have to correspond with the user who is actually filing the claim.

Mr. YODER. I understand, because 7 to 9 months, as you can estimate now, with all these factors included.

Ms. TEMPLE. Right.

Mr. YODER. We are investing in all of this. We are adding personnel, we are adding dollars. And if your response is, well, it still might be 7 to 9 months, it could be less, we can't give you—

Ms. TEMPLE. No.

Mr. YODER. What do you think we could get to?

Ms. TEMPLE. Yes, I would be reluctant to give you a specific, "We will be able to do it 24 hours."

Mr. YODER. I understand.

Ms. TEMPLE. Because then you will hold us to it.

Mr. YODER. Right. Right. I understand. That is why I am asking the question.

Ms. TEMPLE. But I would say that we do expect a significant reduction from the 7 to 9 months. That is something that we think is beneficial to the overall copyright system as a whole.

And so without saying a specific time that you would hold me to, I would expect that there will be a very significant reduction from that 7 months to something much less. And if we can get it down to weeks, of course, we will always be aiming for that.

Mr. YODER. Right. We are always going to be aiming to make it more efficient and quicker while doing our jobs and protecting artists, because that is part of the whole purpose. You want to make sure they are not stealing someone else's work in the process, right? It is about protecting the artists.

Ms. TEMPLE. Right. We want to make sure that the record, itself, is accurate to facilitate licensing in the system. So we don't want to do it so quickly that we are actually causing problems.

Mr. YODER. Speed is not the only factor, we understand that.

Dr. HAYDEN. And patents are different from copyrights in terms of how they can be automated in that sense, too. And that has been something that we are really looking at. We are learning from the patent experience, but also taking in the unique—

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

Ms. TEMPLE. Thank you.

CHAIRMAN'S CLOSING REMARKS

Mr. YODER. Mr. Ryan, good?

Everybody good?

All right. Well, Dr. Hayden, thank you.

Dr. HAYDEN. Thank you.

Mr. YODER. And Mr. Sweeney and everyone who works hard for the Library. Thanks for attending today. And we look forward to a new visitor's experience and improved technology with the Copyright Office and so many other things you are doing to strengthen and preserve the great treasure that is the Library of Congress.

Dr. HAYDEN. Well, thank you for your support.

Mr. YODER. Thanks for your good work.

All right. With that, committee, we are going to recess for a minute in order to bring on our next hearing, which is with the House of Representatives.

[Questions for the record follow:]

House Subcommittee on Legislative Branch Appropriations  
Hearing on the Library of Congress Fiscal 2019 Budget Request  
April 25, 2018

Questions for the Record  
Chairman Kevin Yoder

VISITOR EXPERIENCE

*Question:* The *Visitor Experience* project at the Thomas Jefferson Building is a public-private partnership that has the potential to completely revolutionize the experience for those who visit the Library of Congress.

- Could you please highlight how this project will enhance the visitor experience?
- What is the timeline for the project?

*Response:* The Library of Congress collects and cares for the world's largest collection of human expression and creativity, reflected in all forms – books, music, film, photography, maps, and poetry – and in all languages. The visitor experience will be enhanced by democratizing the collection and strengthening opportunities for broader public audiences of all ages and backgrounds to directly experience this powerful cultural treasure trove including the human voices that are embedded within the collections as well as the Library's experts and expertise. This project will ensure the Library remains relevant, immediate, and accessible; thereby fulfilling its public mission and providing public value by informing, inspiring and meeting people where they are.

The visitor experience will be enhanced by a) better connecting people to information and ideas of the past, present and future; b) animating and activating the Library of Congress collections, expertise; and c) promoting dialogue and exchange. The goal is to increase participation, spark curiosity and imagination, and promote lifelong learning, and cultural and civic engagement.

The enhancements will focus on creating meaningful cultural experiences, impactful exhibitions, insightful educational and cultural programming, greater visitor engagement opportunities, along with partnerships, convenings, and digital learning offerings that support and sustain ongoing relationships with the Library. Initiating the contracted services in fiscal 2019 will allow for design, fabrication and completion in the 2023/2024 timeframe.

Activity	Estimated Timeline	Funding Needed
RFP issued, acquisition phase for Master Plan	April-August 2018	\$2M (committed)
Master Plan development	August 2018-May 2019	
Congressional Review and Approval of Master Plan	June-July 2019	
Fundraising of \$10M to support phase I	Now-June 2019	
RFP prepared for executing phase I while Plan is pending Congressional approval	June-July 2019	\$30M (estimated)
Contract Awarded for exhibit designer to produce overall design packages	September 2019	
Contract awarded for an audio-visual producer to develop films and interactives	January 2020	
Contract awarded for exhibit fabricator to build and install exhibit	May 2020	
Fundraising of additional \$10M	October 2019-2020	
Construction and Installation Completion	Estimated 2023/2024	

## CIVIL SOCIETY

*Question:* Part of the Library's mission is to share knowledge through its online resources. Several representatives from civil society testified before this committee last week, and a constant theme of their testimony was that although the Library makes a lot of information about Congress available to the public, they don't seem to be in regular contact with the Library. This strikes me as a missed opportunity.

- Can you tell me what the Library is doing to meet regularly with civil society stakeholders about its online properties like Congress.gov and active digitization projects?
- Do you think it might be useful to have regular meetings with public stakeholders like those held by the Bulk Data Task Force or the Archivist?

*Response:* The Library of Congress takes its role as both America's first federal cultural institution and part of the innovative infrastructure of America very seriously. Given the breadth and depth of the Library's collections and programs, the Library regularly consults with a wide and dynamic range of stakeholders from across the spectrum of interest areas.

Over the last few years, the Library has been building more active partnerships aimed at improving digital innovation broadly, including collaborations with other government agencies, like the U.S. National Archives (NARA), the Government Publishing Office (GPO), and the National Endowment for the Humanities (NEH); cultural institutions like the Smithsonian Institute, and public libraries; and civil society stakeholders like the Internet Education Foundation, and Wikimedia.

On Congress.gov in particular, the Library has worked side by side with congressional stakeholders to ensure that the site is, first and foremost, tuned to the day-to-day needs of Members and congressional business. That work has often included feedback from civil society stakeholders, filtered appropriately through the perspective of Congress.

For Library digitization projects, the Library's Digital Collecting Strategy prioritizes items that are most beneficial to all – with a special focus on content that is royalty free and not available at other institutions. Our subject matter experts regularly communicate with stakeholders across their areas of expertise about the Library's procurement and digitization strategies.

In addition to technical expertise in the Library, we look to practitioners and experts in the broader community to help us succeed in our mission. As part of the Library's effort to craft a Digital Strategy for publication this fall, the Library has been engaging with digital leaders to uncover opportunities for collaboration and to learn from the good work of our colleagues. We are hosting a meeting here at the Library this summer with some of the nation's top-thinkers in digital strategy from government, industry, and the non-profit sector. The meeting is intended to help inform our planning with best-practices on technology and engagement. Moving forward, we will absolutely be looking to regularize opportunities to capture informed perspectives on our digital operations.

## CRS REPORTS

*Question:* Included in the FY2018 omnibus was the requirement for all non-confidential reports to be made available to the public. CRS staff has been engaged every step of the way on this topic.

- Do you foresee any delays in fully implementing this new requirement?

*Response:* Since receiving guidance from the Appropriation committees, CRS has worked assiduously to ensure that the directions of Congress are fulfilled. At present, we do not foresee any issues to meeting the statutory deadlines prescribed in the legislation making our non-confidential reports available to the public. We are collaborating closely with the Library's Office of the Chief Information Officer to make these reports available through the Congress.gov web portal.

## GAO RECOMMENDATIONS

*Question:* In May 2015, GAO made 31 public recommendations to improve the Library's management of information technology (IT).

- How many recommendations have you fully addressed and when do you plan to complete the remaining recommendations?
- Have you encountered any challenges to implementing the recommendations?

*Response:* The Library has fully addressed, and GAO has certified completion of, 14 of the recommendations. We have submitted evidence of completion for an additional 10 of the recommendations for GAO's review. The remaining seven recommendations are being actively worked on, and the Library's intent is to submit evidence of their completion by the fourth quarter of fiscal 2018.

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 has been 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.

## PRIMARY COMPUTING FACILITY

*Question:* As you know, the Library is in the process to migrating its Primary Computing Facility which was built in the 1970's to a tier 3 data center outside of the metropolitan area. This transition is a major part of having a strong information technology foundation at the Library.

- Please update the Subcommittee on the status and timeline for this project.

*Response:* The Library Data Center Transformation project is in Year 1 of our three-year timeline, and is proceeding very smoothly. The project is allowing the Library to transition to a hybrid-hosting data model, which leverages dedicated space at a state-of-the-art Uptime Institute-rated Tier III data center outside of the metropolitan area along with other Library-managed data centers and Cloud services. This will ensure that the Library has a flexible, efficient and stable foundation for its technology needs.

We would like to thank the Committee for its generous support for the project. Year 1 funding has already allowed the Library to lease the new data center space, finalize its design, and procure the hardware necessary for initial buildout. We are also completing an "application rationalization" review

of all Library production IT systems to identify the most efficient hosting destination for each one, and their readiness for migration.

Through the remainder of Year 1, the Library plans to complete procurement, installation, and configuration of the initial network, software, and hardware components for the Tier III facility. We will complete the first wave of application migrations by the end of Year 1.

In Year 2 of the project we will continue migrating applications from the Madison Primary Computing Facility; expanding the new data center hardware and network as necessary. We will also finalize the selection of the Library's Cloud hosting component of the new hybrid-model, and begin migrating appropriate systems there as well.

Year 3 of the project is dedicated to completing the migration of production IT systems to their final hosting environments and transitioning to regular operations and maintenance. The project is due to be fully implemented by the end of fiscal 2020.

#### eREADER INVESTMENT

*Question:* In 2016 Congress authorized the NLS to provide eReaders for electronic braille. Since that time NLS has been working on a pilot program to determine the specific type of eReader technology that would be best to invest in.

- Please update us on the progress of the pilot program and when NLS might be in a position to make a recommendation on the specific type of technology Congress should invest in?

*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 began in August 2017, as a cooperative effort between NLS and the Perkins Library for the Blind in Massachusetts to test patron acceptance and the impact of distributing eReaders on an NLS network partner. Perkins purchased 200 braille eReaders to distribute to patrons they serve. NLS and Perkins are gathering 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. Manufacturing delays have limited the number of eReaders currently available to Perkins, so the period of the pilot has been extended to nine months. The pilot is expected to provide NLS with a solid foundation for implementing a larger roll-out in the second phase. Results of the pilot so far indicate that patron acceptance of the devices is high, and that patron experience is positive. A final report on this phase of the pilot will be completed in the last quarter of fiscal 2018.

During the second phase of the pilot, which is expected to begin in the fourth 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.

In July, 2017, NLS posted a request for information (RFI) regarding braille eReader technologies and

market possibilities. Five companies responded to this RFI with detailed information. NLS expects to post a request for proposal in June, 2018. The RFI indicates that expected costs are in the range of \$350-\$400 per unit.

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 beginning in 2020.

In fiscal 2017, approximately 31,000 NLS patrons borrowed hard-copy braille. Providing each patron with a braille eReader is expected to cost approximately \$12.4 million. We do not expect all braille readers to be candidates for braille eReaders initially, and the technologies proposed by the vendors are new and largely untested. Therefore, we believe that a phased roll-out to full implementation will be most advantageous to the program. NLS will have the results of the pilot by the first quarter of 2020 and will be in a position to recommend specific braille eReader technologies going forward.

WEDNESDAY, APRIL 25, 2018.

**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 HON. KEVIN YODER, CHAIRMAN**

Mr. YODER. I call the hearing back to order.

This afternoon, we will hear testimony from the officers of the House on the Fiscal Year 2019 budget justification for the House of Representatives. This is our ninth and final hearing on our Fiscal Year 2019 budget justifications, and I want to take a minute to thank my good friend and colleague Mr. Ryan, the Ranking Member; Members of the subcommittee; and staff for their hard work that goes into preparing for all these hearings.

Going into this appropriations season, we felt it was important to expand the number of hearings the subcommittee held in an effort to hear directly from more agency heads, as well as other Members of Congress and outside witnesses. Although demanding on the schedules, I do think the additional hearings were valuable and were important towards our oversight responsibilities.

Now, I would like to welcome the Officers of the House: the Honorable Karen Haas, Clerk of the House; the Honorable Paul Irving, Sergeant at Arms; and the Honorable Phil Kiko, Chief Administrative Officer.

The fiscal year 2019 budget request for the House agencies is \$1.257 billion, which is \$57 million above currently enacted levels. Much of the work each of your offices do on a daily basis is behind the scenes and, when done seamlessly, often goes unnoticed.

Collectively, you are responsible for the services that truly keep this place running: the IT network that allows us 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, more recently, several initiatives to keep our district offices safer, just to name a few.

Without the services of the House officers, we could not carry out our constitutional duties as Members of Congress. And 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 thank the dedicated staff in each of your organizations for the work they do on behalf of Members of Congress, our staff, the guests in the Cap-

itol, constituents who come to see us. All are made more efficient and effective because of your work.

I look forward to working with each of you on the challenges facing us in Fiscal Year 2019.

And, with that, I would like to yield to the man from Ohio, Mr. Ryan, for his opening statement.

#### OPENING STATEMENT OF HON. TIM RYAN, RANKING MEMBER

Mr. RYAN. Mr. Chairman, let me just echo your thanks, and let's get on with the hearing.

But we appreciate it. And we saw you in action just today with a beautiful speech, and I think it shows the importance of how deep your work goes in connecting ourselves, our democracy, with the world and their leaders. So thank you for everything that you do.

And I yield back, Mr. Chairman. Let's get into the nuts and bolts here.

#### CHAIRMAN OUTLINES PROCEEDINGS

Mr. YODER. Thank you, Mr. Ryan.

Without any objection, the entire statements from each of you will be made part of the record. And I will ask each one of you, the Clerk, Sergeant at Arms, and Chief Administrative Officer, to summarize your remarks and highlight your efforts of the past year. And after opening statements, we will move to the questions and answers.

So, with that, Ms. Haas, we will start with you.

#### CLERK OF THE HOUSE ABBREVIATED TESTIMONY

Ms. HAAS. Thank you.

Chairman Yoder, Ranking Member Ryan, Members of the Subcommittee, I appreciate the opportunity to testify before you regarding the operations for the Office of the Clerk and our Fiscal Year 2019 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 current projects, along with upcoming activities. Testing continues on the new vote stations for the Electronic Voting System with a planned August installation. If all continues to go well, we will issue new voting cards when Members return from the August district work period.

We continue to release updates to the alpha version of our new Clerk website. The site has a more robust vote search capability along with additional Member profile information. We anticipate a complete conversion to the new site for the 116th Congress.

As of December 2017, we have completed the requirements under the new Comparative Print Rule, as required by House Rules. Today, the House Office of Legislative Counsel, in conjunction with

the House Rules Committee, can display publicly changes to current law that will be made by a bill prior to House consideration.

With the support of this Subcommittee, we were able to meet the condensed time schedule and are now finalizing requirements for Phase II of this project. Our eventual goal is to have a tool that can be easily used by Members and staff.

We have purchased and configured equipment to transition to the Redstone Data Center as our backup data center later this year. With the support of the Chief Administrative Officer, we look forward to continuing our efforts to find further efficiencies in contracting and technology.

Work continues on the space at GPO designated to receive House and Senate records later this year. Due to modifications from the original construction plans, the project is slightly behind schedule, but we do not anticipate any delay in processing records at the end of this Congress.

Our curatorial team has been busy with exhibits in the Capitol and House Office Buildings highlighting the history and artifacts of the House. Next month, we will complete installation of an exhibit dedicated to the Congressional Baseball and Softball Games.

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

I would like to thank my fellow officers for their support as well as our many legislative partners. Together, we try to maintain a high level of service to Members, staff, and the public. Thank you for your support. I am happy to answer any questions.

[The prepared statement follows:]



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**STATEMENT BEFORE THE HOUSE  
APPROPRIATIONS SUBCOMMITTEE  
ON THE LEGISLATIVE BRANCH  
ON THE OFFICE OF THE CLERK, FY2019**

THE HONORABLE KAREN L. HAAS  
APRIL 25, 2018

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

## HOUSE OPERATIONS

From the introduction of new bills on the House Floor to the presentment of enrolled bills to the White House for signature by the President, our office is integral to the legislative process. As you know, the Clerk's Office is a nonpartisan organization that provides the procedural assistance and support necessary for the orderly conduct of 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 (EVS) 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 to the public and Members alike. The Clerk's Office hosts the publicly available website, *Bills to be Considered*, at <http://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 <http://clerk.house.gov>. The Clerk's Office also maintains live and archived video of all House Floor proceedings at <http://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 at [Congress.gov](http://Congress.gov).

### **Electronic Voting Station Upgrade**

The Clerk's Office is actively testing the next generation of electronic voting stations this year and plans to install the updated system in the House Chamber by the end of the August recess.

The new EVS vote stations include all new internal components, a new LED display, a new card reader, and braille lettering under the Yea (Y), Nay (N), and Present (P) buttons to accommodate Members who are visually impaired. We have conducted extensive testing of the new units in preparation for installation and final checks. The Chief Administrative Officer Cabinet Shop is also putting the finishing touches on new wooden enclosures made for these stations. Switching to the new vote stations will require issuing new voting cards to all Members upon their return from August recess.

### **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 for many investigative interviews. These services remain subject to the potential for increased demand as a result of expanded deposition authority or oversight needs.

Over the past three years, the Clerk's Office has made significant improvements to *Reports to be Made 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. Most recently, we collaborated with the Library of Congress to make the Executive Communications and Requirements data sets available on [Congress.gov](http://Congress.gov). This addition is a further enhancement to the interface and search capabilities of the system and follows earlier work to link reports received to their corresponding statutory requirements.

The Clerk's Office develops and maintains the Committee Repository website at <http://docs.house.gov>. This online portal enables the public to track hearing and markup schedules, 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 spaces for rest and reflection.

The House Library provides research services for legislative staff of Members and Committees. The Library offers an online portal with comprehensive guides to legislative research topics and regular training through our House Learning Center partners.

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, and we work with the remaining staff to continue the Office's operations and provide constituent services until a successor is elected. The Clerk's Office has managed twelve vacant offices to date this Congress.

### **Website Redesign**

The Clerk's Office has made several Alpha releases of our new redesigned website, available at <https://clerkpreview.house.gov>. The new homepage highlights House Floor activity and provides easy access to vital legislative information in a user friendly, responsive, and modern design. We have added new features, such as a public vote search page, and updated nine other pages, including those with Member and Committee Profiles. We anticipate other updates, including a new search page, through the end of 2018.

### **Greater Accessibility and Inclusion**

During the last August recess, the Clerk's Office assisted the Architect of the Capitol with the installation of permanent platforms for wheelchair access to the two Leadership table microphones on each side of the Chamber. In October, the Clerk and the Committee on House Administration awarded a new, three-year, closed-captioning contract for televised House Floor proceedings. For July to December, the vendor provided captioning with an accuracy rate of 99.73%.

## 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 to comply with their archival obligations and to research and retrieve records in their archives.

Since 2016, the Clerk's Office has showcased a searchable selection of official House records at <http://history.house.gov/Collection/Search/>. The Records Search collection illustrates the institution's work, its responses to issues of the day, and its relationship with the public and other branches of government. Highlighted records include 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. Most recently, we added materials from all standing Committees as well as material from some special and select Committees.

### Art and History

The curatorial staff of the Clerk's Office is responsible for preserving the historical art and artifacts in the House collection and for making it accessible to the public. Our History, Art & Archives website at <http://history.house.gov> continues to enhance our ability to bring the history of the House to the American people even if they are unable to visit the Capitol in person. The website offers a broad selection of material about the history and collections of the House. With sections on the Institution, People, Exhibitions and Publications, Collections, Oral History, Education, and Records and Research, the website is a tremendous resource for the public and educators.

In addition to its public outreach efforts and its ongoing work with the permanent collections, the curatorial staff also manages several exhibitions throughout the House. We look forward to the opening of two new exhibitions in the near future. The first is a special exhibition of artifacts about the Congressional Baseball Game, from its beginnings as a casual game among colleagues in 1909 to the substantial charitable event of today. Ahead of

the 2018 game, we will display some of these artifacts and historical photographs in the Capitol for the first time.

The second will be a significant new exhibition in the Cannon basement rotunda, which is a major hub of the House campus. We are preparing to enrich the space with permanent displays of objects of interest to Members, staff, and constituents. Development is underway on “The House at Work/Work in the House,” with images and artifacts—from 1800s Chamber desks to first-generation BlackBerrys—that tell the story of the work that has gone on here for more than 200 years.

The Office has also taken several initiatives to highlight the historic contributions of Members. In October, we opened an exhibition on the third floor of the Capitol exploring the history of women Members through the gallery passes they issued to constituents. The exhibition coincides with the significant milestone the House marked recently when Representative Marcy Kaptur became the longest-serving woman in Congress. We were pleased to support the observation of this accomplishment. The Historian is also producing a book on Asian and Pacific Islanders in Congress to complete the series that already includes *Women in Congress*, *Black Americans in Congress*, and *Hispanic Americans in Congress*.

## **PUBLIC DISCLOSURE SERVICES**

By law 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 of and public access to 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. We have seen a steady increase in electronic filings since the system was implemented—from 68% in 2013 to 85% in 2017.

### **Lobbying Disclosure**

The Clerk's Office continues to support 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 by filers, the Office periodically emails general reminders to approximately 14,000 registrants before deadlines and sends tailored follow-up notices after due dates. The general updates include informational and explanatory material for filers and other interested parties. As an example, the April 2018 update reviewed the meaning and requirements of "covered positions" during prior government service which must be disclosed under the law. To assist filers, the Office also regularly reviews its Guidance to filers and updates it as warranted. The Guidance is available online at <https://lobbyingdisclosure.house.gov>.

### **BUDGET REQUEST FOR FISCAL YEAR 2019**

We appreciate the Subcommittee's ongoing support for the operations of the Office of the Clerk. For the upcoming fiscal year, we respectfully request \$28,305,000 to carry out our existing and new responsibilities to the House. The request is \$360,000, or 1.29%, above the FY18 enacted funding level provided in the Consolidated Appropriations Act of 2018.

During our internal budget formulation process for FY19, we reviewed all programs and thoroughly scrubbed each one to exclude all nonrecurring costs. Throughout the Clerk's organization, we identified and mapped future services support and projects based on operational needs and stakeholder feedback. We reallocated the "nonrecurring costs" funding for anticipated costs and planned services, support, and projects. The request also includes additional personnel funding for projected cost-of-living adjustments, anticipated longevities, and the filling of crucial vacant positions and new requirements. These amounts would fund the diverse ongoing activities of the Office of the Clerk I have described as well as the following special priorities and points of emphasis in the year ahead.

### **Comparative Print Implementation**

The Clerk's Office is continuing to work with the Office of the Legislative Counsel and the Law Revision Counsel to improve and develop the systems necessary to comply with the new House rule on comparative prints. Revised House Rule XXI now requires comparative prints showing proposed changes from current law, as well as changes to the text reported by Committees to be made available before Floor consideration.

The goal of the Comparative Print Project is to provide comparative prints in PDF format for posting online to meet the requirements of the new House rule. We worked with two contractors to complete the initial work. The first contractor augmented the existing Ramseyer toolset to create a stand-alone document consistent with the provisions of clause 12(a) of House Rule XXI, which requires a comparison to current law. We released the tool into production before the December 31, 2017, deadline date and completed updates on February 9, 2018.

The second vendor created a new web solution that generates a comparative print document in HTML and PDF consistent with the provisions of clause 12(b) of House Rule XXI, which requires a comparison to certain Committee reported text. We also put this program in use before the December 31 deadline, but we continue to adjust it as new use cases arise. This web-based solution will become the foundation for the enterprise-wide, longer-term goal to provide comparative print capability for all House users. This set of tools will allow users to create on-demand static comparative prints that illustrate the changes between

- Two versions of bill text (document to document);
- Bill text and current law (Ramseyer and Ramseyer-like output); and
- Page and line number amendments and bill text (Amendment Impact).

Currently, we are gathering requirements for subsequent phases to meet the longer-term goals stated above.

### **Congressional Biographical Directory**

We continue to work on a series of upgrades to the Congressional Biographical Directory (BioGuide). Recent improvements include a new platform for Senate Historians to enter enhanced data into the electronic system and preparation for the new BioGuide website that we will begin to develop later this year. Our development work includes the final stages of content management system to support the BioGuide website as well as a review of the user stories that will be the basis of the website. The goals for the BioGuide upgrade are to

- Compile and disseminate a richer set of biographical data;
- Provide users with a modern interface and better search features; and
- Create a more effective back-end tool for managing biographical data.

### **Legislative Information Management System Rewrite**

As the House has modernized discrete systems and websites, it has also become apparent that the time has come for a more comprehensive modernization of the broader Legislative Information Management System (LIMS). LIMS centralizes and maintains data and

information for the entire legislative process to benefit both House users and the public. Our office is conducting initial planning and evaluation for this initiative in concert with other modernization efforts.

### **Lifecycle Equipment and Furniture Replacement**

Our office's requested nonpersonnel increase includes funding to replace equipment and furniture nearing the end of their lifecycles, including specialized stenographic equipment used to record House Floor and Committee proceedings.

### **Increased Storage for Congressional Records**

The Center for Legislative Archives, part of the National Archives (NARA), maintains, preserves, and provides public access to archived House records pursuant to House Rules. As I mentioned last year, the National Archives is running out of space for congressional records. In 2016, with the support of this Subcommittee, we secured suitable additional storage space at the Government Publishing Office (GPO) facility and funding for the initial phase of construction. In March 2017, NARA and GPO signed the interagency agreements to govern the construction phase of the project, and funds were transferred to move forward. GPO issued the bid package in April 2017, and in June plans were proposed to include a restricted area to process and store all textual and electronic classified House and Senate records. The notice to proceed was given in August 2017 and construction commenced in September 2017. We expect the space to be completed and ready to receive House and Senate records this year.

The recent support of the Committee in the Consolidated Appropriations Act will further enable Phase Two of this project, which will secure and adapt additional space at GPO to improve storage for House and Senate records for the next 50 years. We expect NARA and GPO to begin work on Phase Two in the coming fiscal year.

### **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. As our large production printers have neared the end of their lifecycles, we are seeking to acquire new printers that are faster, have improved binding and finishing capabilities, and allow us to reduce our reliance on overstocking materials. As an example of the concept: Our efforts to increase on-demand printing of the House Telephone Directory will reduce the number of printed books by 35% in 2018. With adequate funding, we will begin work to more broadly implement this change and would anticipate completion of the acquisition by FY20.

The goal of increasing on-demand printing for House Floor and Committee Hearings is to reduce the number of copies printed by GPO while retaining the ability to scale up if certain documents exceed the initial ability to meet the demand. As one potential performance measurement, we will seek to reduce by 40% the initial stocks of documents that could be reprinted in a short time.

### **Lobbying Disclosure Enhancements**

We continue to consider an enhanced web-based lobbying disclosure system to improve submission of individual and bulk reports. We aim to improve the administrative functions of the system to ensure robust filing statistics and search capabilities and to enable direct approval of pending reports. By creating a unique lobbyist identifier, we will be able to synchronize House and Senate notification, approval, reporting, and referral efforts. The enhanced disclosure system is an item that remains on our priority list but continues to be pushed back due to the addition of unforeseen and higher-priority projects.

### **Personnel**

The Clerk's Office is evaluating training opportunities for our staff to ensure they align with our mission and goals and to enhance cross-training as employees with specialized skills retire. This initiative gives current employees hands-on experience in highly specialized areas and opens the door for career growth within the organization. We are also requesting additional funds to fill positions essential to supporting legislative proceedings. The requested personnel funding also includes four newly created positions for Legislative Computer Systems. The new positions are needed to meet increasing transparency, efficiency, and cybersecurity project requests.

Our goal is to keep exceptional employees motivated by strengthening current skills and helping them acquire new skills. We have established a thorough training plan to further develop our workforce talent, to be able to promote from within, and to ensure personnel transitions do not disrupt our operations. We also recently reached a significant modernization milestone with the successful deployment of a fully electronic leave, time, and attendance system across the Clerk's Office.

### **Cannon Renovation and Relocation**

Our office supports the ongoing renovation of the Cannon House Office Building, both directly and as a building occupant. The curatorial staff is continuing its efforts to preserve, relocate, and store historical artwork located in affected construction areas by providing staff and equipment. We also continue to prepare for the permanent relocation of several

divisions of the Office of the Clerk as planned following their temporary relocation. While we currently project this work will fall within anticipated budgets, its complexity means that we will need to continue to carefully monitor the progress of the renovation.

### **Turner Redstone Data Center**

The Clerk's Office continued work on migrating backup operations to the new Turner Redstone Data Center. We completed the initial installation and configuration of the new FlexPod hardware and software infrastructure purchased at the end of FY17. Migration and configuration are ongoing, and we expect to be fully operational by the end of the August recess.

### **Preparation for the 116th Congress**

Fiscal Year 2019 will also see the end of the 115th Congress and the beginning of the 116th Congress. The Clerk's Office is already engaged in customary preparations for the new Congress, including outreach to state election officials and other work needed to ensure its orderly opening and organization.

Thank you again for the opportunity to testify.

Mr. YODER. Thank you for your testimony.  
We will now turn to Mr. Irving, Sergeant at Arms.

#### SERGEANT AT ARMS ABBREVIATED TESTIMONY

Mr. IRVING. Good morning—or good afternoon, Chairman Yoder, Ranking Member Ryan, and members of the committee. I appreciate the opportunity to present the Office of the Sergeant at Arms Budget Request for Fiscal Year 2019.

The expectations of House leadership and Members of Congress are very different from when the first Sergeant at Arms was elected in 1789. Modern security needs to protect Members of Congress have transformed the mission and character of the office.

The events of last June, coupled with the unprecedented number of threats and threatening communications the Members have received within the last year, has required an increased level of safety and security in Washington, D.C., as well as in Members' districts. In response, we have enhanced the capability at the Capitol with the creation of an operations office and created and staffed and enhanced a district office security program.

#### ENHANCING SECURITY MEASURES

I work closely with the Capitol Police Board to support the Capitol Police 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. As noted, the increase in threats, both to the campus and to individual Members alike, has challenged us to deploy enhanced security measures and adjust our tactical response.

Among other countermeasures, the Capitol Police Board has been working to identify options for exterior screening at the most heavily used entrances throughout the Capitol complex. This is a measure to address security concerns at key exterior checkpoints, points of entry, in order to identify and mitigate threats before they enter or reach the interior of our buildings.

#### SECURITY INITIATIVES AND PROJECTS

With regard to security initiatives for Fiscal Year 2019, I am proposing the continuation of our district office security outreach program with Member offices. Thanks to this committee, we have the funding for the installation of security system equipment at one district office per Member, which includes a basic intrusion detection alarm system, duress buttons, and an intercom system.

Upon request, we will also pay the monthly alarm system monitoring fees at district office locations. In addition to physical security enhancements, the District Security Service Center was established to serve as the primary point of contact for the coordination of all staff requests and issues.

We have also expanded our law enforcement coordinator training to prepare district staff to effectively manage crowd control, coordinate security for events, and handle potentially threatening situations. These briefings serve to bolster the education already provided by the law enforcement coordinator program.

On the Capitol complex, several projects have been completed thanks to our partnership with this committee. The successful transition to the O'Neill House Office Building resulted from continued coordination between the Capitol Police and the Architect to maintain, update, and integrate the O'Neill security systems, such as cameras, prox cards, and alarms, to be consistent with other House Office Buildings.

We are also working on the expansion of the House Child Care Center and will continue to keep the committee advised of the screening and other security protocols as the Child Care Center expansion space is retrofitted.

In addition to the successes of these projects and programs, the garage security enhancement project is on track, designed to move the entire Capitol complex closer to 100 percent screening by bringing the House Office Buildings into the secure perimeter and in line with the Senate Office Buildings in the Capitol.

Because of the enhanced support operations of the Sergeant at Arms, the Sergeant at Arms staff, and these new and ongoing initiatives, I am requesting a funding increase in FTE for several of my divisions. Employees of the Sergeant at Arms are our strongest asset and essential for the successful execution of these numerous special events, projects, and programs in the upcoming years.

Thank you, once again, for the opportunity to appear before the committee. I want to assure you of my deep commitment and that of my entire office to 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 I am happy to answer any questions you may have.

[The prepared statement follows:]

**Office of the Sergeant at Arms  
Fiscal Year 2019 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 Chairman Yoder, Ranking Member Ryan, and members of the Committee. I appreciate the opportunity to present the Office of the Sergeant at Arms budget request for fiscal year 2019. It is an honor and a privilege to serve this institution, and I look forward to continuing to work with the Committee as this year progresses.

The expectations of House Leadership and Members of Congress are very different from when the first Sergeant at Arms was elected in 1789. Modern security needs to protect Members of Congress have transformed the mission and character of the Office of the Sergeant at Arms. Following the events of last summer, we established an Operations Center and created the Chief Operations Officer position within the Immediate Office to monitor incidents and communicate with incident response and stakeholders. Members received an unprecedented number of threats and threatening communications within the last year. The increased number of threats has required an increased level of safety and security needs in Washington, DC and in Members' Districts. In response, the Office of the Sergeant at Arms has created and staffed an enhanced District Office Security Program. I want to thank the Committee for its support of this program and ensuring that we are able to do all that we can to keep people safe while providing public access.

As Sergeant at Arms, I am responsible for all security matters which relate to the House of Representatives. I currently serve as Chairman of the U.S. Capitol Police Board, which oversees the U.S. Capitol Police (USCP) and establishes policies and guidelines to secure the Capitol complex and its occupants. 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.

Throughout each day, I receive information providing an overview of 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 our resources and efforts in threat information and other secure intelligence 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. I want to assure the committee that I utilize all sources of information to 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.

In my oversight role over the USCP, I have recommended numerous security enhancements for the Capitol campus, continually adapting our strategy and security posture based on the ever-developing intelligence that we receive. The increase in threats both to the campus and to individual Members alike has challenged me to work with the USCP in deploying enhanced security measures and adjusting our tactical response, always taking into account the variety of ways in which we may be called upon to respond.

A security enhancement that I would like to highlight for the Committee is a measure to address security concerns at key exterior points of entry in order to identify and mitigate threats before they reach the interior of our buildings. The USCP Board has been working closely with the AOC and USCP on this important initiative which entails identifying options for exterior screening at the most heavily used entrances throughout the Capitol Complex. However, a more immediate plan is to create a separate South Screening Kiosk on the House side of the Capitol, as well as upgrade the existing North Screening Kiosk on the North of the Capitol. A current vulnerability which should be addressed is the security screening which takes place inside the U.S. Capitol at the South Door. A security screening structure outside of the U.S. Capitol would ensure that security threats are identified and mitigated outside the U.S. Capitol building. This separate screening structure would incorporate all current security protocols into one location (such as magnetometer, x-ray, full-body scan technology, canine screening and the appointments desk) to ensure that everyone entering the U.S. Capitol is authorized and cleared before they enter the building. My staff is working closely with the AOC and USCP on the requirements and protocols for this Capitol pre-screening security measure, and I will keep the Committee informed of our progress.

With regard to other security initiatives for FY19, the Office of the Sergeant at Arms proposes the continuation of our District Office Security outreach program with Member offices. Last year, we created and staffed a new initiative to upgrade and install physical security system equipment in District Offices. Thanks to this Committee and through this program, the Sergeant at Arms has the funding to pay for installation of security system equipment at one District Office per Member. This equipment includes a basic intrusion detection alarm system, duress buttons, and an intercom system. Upon request, the Sergeant at Arms will also pay the monthly alarm system monitoring fees at all District Office locations, including preexisting systems.

In addition to physical security enhancements, the District Security Service Center was established to serve as the primary contact point for staff requests, questions and issues. To date, a majority of Members have received security system installations in their District Offices, and more offices are currently in the process of being secured. We also expanded our Law Enforcement Coordinator training and launched a pilot program in which Sergeant at Arms staff traveled to Congressional Districts to provide hands-on training to prepare district staff to effectively manage crowd control, coordinate security for events, and handle potential threat situations. These briefings served to bolster the education already provided by the Law Enforcement Coordinator (LEC) Program.

For FY19, I am requesting appropriated funds to continue this program, as well as to continue the implementation of mail hoods and the LEC program in the District Offices. We will also be assisting the District Offices during the transition from the 115<sup>th</sup> to the 116<sup>th</sup> Congress, educating Members-elect on the District Office Security Program, explaining their options for security system equipment installations and upgrades for their District Office, whether they choose to remain in the previous Member's location or move to a different location within the District. We will continue to coordinate with the CAO regarding the inventory procurement for the program.

On the Capitol campus, several projects have been completed, thanks to our partnership with the Committee. Enhanced Screening Portals (ESPs) were installed around the House Galleries this year, and they have proven to be successful at detecting non-metallic objects that are not identified by the magnetometers. At the State of the Union Address in particular, the enhanced screening resulted in smooth screening times and were met with an overall positive response. For day-to-day routine business, we will be equipping the Appointments Desks with an upgraded official business visitor badging system containing more refined security features. Due to the upcoming relocation of the ID office because of the Cannon construction, we will be reviewing the business processes of ID Services, including software system upgrades which will enable online ID request submissions by Member offices, thereby streamlining and expediting the ID badging process.

This past year, the House implemented the Joint Emergency Mass Notification System (JEMNS), which has successfully enabled mass emergency notifications 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 an audible backup to the new JEMNS system until we begin implementation of the Joint Audible Warning System in the upcoming years. These notification systems are integral to the Emergency Management Program, which plans 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.

The successful transition of the O'Neill House Office Building resulted from coordination with the USCP regarding all security initiatives for O'Neill and maintaining, upgrading, and unifying the security systems of the building - such as cameras, prox cards, and alarms - to be congruous with the other House Office Buildings. In addition, my office is working in conjunction with Leadership, the AOC, the CAO and the USCP on the expansion of the House of Representatives Child Care Center (HRCCC). We will continue to advise our Congressional stakeholders in this project, keeping them abreast of screening and other security protocols as the HRCCC expansion space is retrofitted.

In addition to the successes of these projects and programs, the Office of the Sergeant at Arms is working on a number of ongoing security projects, the continuation of which would not be possible without the shared commitment of this Committee. As you know, the Garage Security Enhancement 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. Phase One of the Rayburn Garage Rehabilitation Project was completed this year and included the build-out of elevator vestibules to accommodate screening equipment, the dedication of certain elevators to access the screening areas into the building, and the repurposing of other areas in the garage as support office and storage space. We are grateful for the Committee's support in securing funding for the USCP and the AOC so that security screening can commence as soon as possible.

Because of the enhanced support operations of Sergeant at Arms staff and these new and ongoing security initiatives, I am requesting funding for an increase in FTE for several divisions. Employees of the Sergeant at Arms are our strongest asset, and growing our team is essential for the successful execution of numerous special events, projects, and programs in the upcoming years. These FTE will also reduce our reliance on contracting services.

First and foremost, increased FTE in the Division of Police Services and Law Enforcement will provide greater service and support to the District community and ensure the success of the District Office Security Program. Additional positions will ensure close collaboration with the USCP in providing enhanced emergency response services to the Congressional community and analyzing intelligence related to the Capitol campus. New Police Services FTE will also be assigned and dedicated specifically to tracking and responding to threats against Members. The Division of Police Services and Law Enforcement serves as the primary point of contact for Members, liaising between them, the USCP and/or local law enforcement to investigate threats or directions of interest and bring them to a successful resolution.

The new FTE request for the Emergency Management Division (EMD) will reduce our reliance on contracting services and provide support to the emergency preparedness, operations, and planning efforts of the office. EMD also spearheads program management, staff training, drills and exercise development, the Office Emergency Coordinator (OEC) Program, equipment testing, continuity operations, and support of the House Operations Center (HOC).

The Division of Protocol and Chamber Operations FTE will ensure greater security to the House Chamber and enforcement of House rules, provide more efficient document submission assistance for the Clerk, and enhance press liaison services to Members and staff on the House Floor. Chamber Operations also provides services for staff and visitors to the House galleries, checking in and securing items that are prohibited in the galleries and providing escort for visitors from the CVC up to the galleries.

The request for new FTE in the House Security Division will staff the new 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.

Information Services FTE will provide database expertise and will ensure the seamless integration and efficient operational management of the various systems utilized by Sergeant at Arms. Information Services provides desktop and technical support to all Sergeant at Arms staff, and it is in the process of launching the new ID and Parking web software.

In the Division of House Garages and Parking Security, new FTE will provide assistance as we transition into a new Congress and continue the renovation of the Rayburn Garage. Finally, in the Immediate Office, additional FTE will provide enhanced operational and administrative support.

Non-personnel expenses for FY19 will continue to support travel, including USCP advance and support of overseas Leadership CODELs, as well as other large scale off-campus events attended by Members of Congress. Funding will also provide critical job-specific training for Sergeant at Arms staff in the areas of project management, acquisition procedures, physical protection systems, management and customer service. Telecommunications funding will support and upgrade 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, security and District Office training materials. Supplies and materials funding will be utilized for the purchase of office supplies, ID supplies, updated visitor badges, and parking security uniforms. Finally, general equipment funding is requested for the lifecycle replacement of PCs, software systems, laptops, wireless devices, cellphones, and desktop phones.

The FY 2019 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 ongoing efforts, the Office of the Sergeant at Arms requests **\$18,773,000** for fiscal year 2019. This includes **\$13,246,000** for personnel expenses to fund the 144 authorized FTE plus 11 new FTE, as well as **\$5,527,000** for non-personnel items.

Thank you once again for the opportunity to appear before the Committee. I would like to express again how grateful I am for the Committee's unyielding support and partnership as we

strive to maintain the delicate balance between strong security measures and 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 permitted. 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 I am happy to answer any questions you may have.

Mr. YODER. And, last but not least, Mr. Kiko, the Chief Administrative Officer.

#### CHIEF ADMINISTRATIVE OFFICER ABBREVIATED TESTIMONY

Mr. KIKO. I don't mind being last. Good afternoon, Chairman Yoder, Ranking Member Ryan, and Members of the Subcommittee. I thank you for the opportunity to present the CAO's budget request.

#### CHIEF ADMINISTRATIVE OFFICER INITIATIVES

Since last year, the CAO has made significant progress with the initiatives it prioritized for Fiscal Year 2018. The organization has advanced major ongoing initiatives to improve the many services it provides.

I would like to give a shout-out to our Office of Employee Assistance, as they were recently presented with the Medal of Merit by U.S. Capitol Police Chief Verderosa for their outstanding counseling service to Members of Congress and employees after the tragic shooting last June.

The CAO is continuously looking for ways to adopt and expand cost-saving technology solutions for D.C. and district offices. For example, the CAO developed and hosts 76 percent of the nearly 500 Member and committee websites.

Our popular online service tool, MyServiceRequest, has expanded to include 95 services and has grown from an average of 350 requests per month in 2014 to 2,500 requests per month last year.

We are working on initiatives to improve our own business processes for financial services and asset management and on other projects, including the upcoming congressional transition and the Cannon Renewal Project.

The House has asked the CAO to take on many new responsibilities like the implementation of the newly required workplace rights and responsibilities education, which provides in-person training for as many as 12,000 individuals through 376 educational sessions in D.C. and 184 sessions in 92 locations across the country, all before July 2.

We have also been tasked with standing up a new House Office of Employee Advocacy, and we are also going to be doing a survey on this issue as well. All of these initiatives serve as the basis of the organizational budget request for Fiscal Year 2019, which is \$152 million.

#### CHIEF ADMINISTRATIVE OFFICER FY19 BUDGET REQUEST

Seventy-seven percent of the requested increase is for nonpersonnel expenditures, including cybersecurity programs, annual maintenance, and licensing of contracts for the House, contractor support, equipment, and training.

Twenty-two percent is for personnel and is requested to support cost-of-living adjustments and longevities for current staff and additional support for House information resources and the newly-formed business unit. Of the requested increase, \$7.2 million, or 36 percent, is dedicated to cybersecurity.

## CYBERSECURITY

Cyber attacks against the House average 300 million to 500 million each month. Between July and December of 2017, we blocked 9.4 billion unauthorized probes, scans, and connections from the House network, and this year, the CAO has deployed nearly 200,000 security patches for servers and workstations for Members. Every day, we need to employ the best security platforms because failure is not an option.

## CHIEF ADMINISTRATION OFFICER STRATEGIC PLAN

I would like to highlight the continued implementation of our strategic plan. Since implementation was initiated, the CAO has undergone some major changes, most significant has been the creation of an entirely new business unit called the Customer Experience Center, or CEC.

Based on our conversations at the beginning of this strategic planning process, focus groups with Member offices, and surveys, offices can find it difficult and frustrating to navigate the CAO's multitude of services. To be frank, when I first started, I spent most of my time putting out fires from dissatisfied Members, and that is unacceptable.

We need to do better. The CAO needs to better understand the complexities and challenges of Member office operations and become experts in service delivery, not the other way around, which is why we created the CEC.

## CUSTOMER EXPERIENCE CENTER

The CEC is designed to help connect our customers with our technical, administrative, and operational experts to improve access to our services. Included in the CEC are Customer Advocates, full-time staff assigned to specific Member offices to facilitate services and remediate problems when they arise.

Last fall, when we introduced our Advocates, they were well received, and we are in the process of expanding the program. I expect reliance on the advocates to grow exponentially when we expand the program to all Member offices in Fiscal Year 2018 through the upcoming congressional transition. And they have been well received by our Members that were the subject of special elections this year.

Thank you very much.

[The 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



April 25, 2018

**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 FY19 priorities and subsequent budget request. Last May, when I testified before the Subcommittee, I highlighted the CAO's enhanced cybersecurity efforts and the operationalization of its new Strategic Plan among the organization's top priorities for FY18.

I also highlighted various customer service initiatives and other ongoing major projects that the organization prioritized last fiscal year. Those included improving House food services, increasing the wellness and professional development offerings for staff, expanding on technology and enterprise services for Members' district and D.C. offices, and expanding the House's Wounded Warrior Fellowship Program. I am pleased to report that significant progress has been made with each of the identified initiatives over the past year, and each remains a priority for the CAO in FY19.

Additionally, since I last testified before the Subcommittee, the organization has taken on new and increased service responsibilities, including the expansion of the House of Representatives Child Care Center, facilitating the House's required Workplace Rights and Responsibilities education, and the establishment of the new House Office of Employee Advocacy.

The CAO initiatives identified in this testimony, both old and new, are the organization's top priorities and serve as the basis of the organization's budget request for FY19. I believe that prioritizing these initiatives will not only improve the CAO services provided to House offices, but they will also yield cost savings across the entire House through the achievement of greater efficiencies and the elimination of unnecessary and duplicative efforts.

The FY19 budget request for the CAO is \$152,558,000 which is an increase of \$19,693,000 or 14.82 percent above the Fiscal Year 2018 enacted funding level.

\$15,223,000 of the requested increase is for non-personnel expenditures, including cybersecurity programs, annual maintenance and licensing contracts for the House, contractor support, equipment, and training.

\$4,470,000 is for personnel and is requested to support FY19 estimated cost of living adjustments and longevities for current staff. The requested personnel funds would also fund positions to support House Information Resources and the newly-formed Customer Experience Center (CEC).

Though the FY19 priorities identified cover a wide spectrum of service categories, collectively, they are critical to ensure that the CAO can fulfill its mission to serve the House community so that Members can perform their constitutional duties.

Again, I appreciate the opportunity to testify to the CAO's priorities and FY19 budget request, and I look forward to working with the Subcommittee and my fellow House officers to maximize the use and efficiency of the House's finite resources on behalf of Members and their staff.

### **Cybersecurity**

Safeguarding the House's IT infrastructure is one of the CAO's most critical responsibilities and one that is of great consequence to every Member of the House and his or her staff. Today, cyberattacks against the House average 300 to 500 million each month, and, between July and December 2017, 9.4 billion unauthorized scans, probes, and connections were blocked from the House network. The CAO has also deployed nearly 200,000 security patches for servers and workstations in D.C. and across the country.

Given the amount of private and state-sponsored malicious cyber activity, there is no question that the House will always be a target and that the cost of protecting the House network will always increase. Therefore, it is imperative that we continue to establish and maintain a robust cybersecurity posture through constant assessment and adaptation, which requires dedicating resources to strong countermeasures and enforcing strict adherence to the House Information Security Policies.

Of the \$19,693,000 requested increase for FY19, \$7,176,000 or 36.44 percent is for cybersecurity initiatives.

Last year, with the support of this Subcommittee, the CAO strengthened the House's cybersecurity posture through improved system vulnerability testing, enhanced Dark Web monitoring capabilities, and improved mobile platform security for smartphones and tablets. As part of the continual assessment and adaptation process, the House's cybersecurity program also underwent a comprehensive review to remediate identified gaps in staffing, processes, and technologies.

Using the results of the assessment, the CAO continues to improve the House's cybersecurity posture through the deployment of a new threat intelligence platform, improved threat information sharing within U.S. government agencies and our international allies, enhanced engineering and analytical support, and improved network vulnerability monitoring and alerting capabilities. For assessment and educational purposes, the CAO is also conducting annual system penetration testing and a quarterly phishing campaign to help educate House network users about the risks of opening questionable email. This is in addition to the required annual information security awareness training. It is also working to expand multifactor authentication using text messages for network authentication PINs rather than the RSA tokens currently in use.

Increased and enhanced cybersecurity technologies and capabilities are critical to the House's cybersecurity posture. However, they are greatly undermined when network users fail to adhere to the House Information Security Policies. Over the past year, the

CAO has worked with House stakeholders to identify ways to improve compliance with House policies and stands ready to assist with greater oversight of compliance and strengthened controls over network access. The CAO is also working with stakeholders to explore ways it can increase the reliance of House offices on CAO IT services going into the 116<sup>th</sup> Congress.

### **Strategic Planning**

Implementation of the CAO's Strategic Plan continues to be a top priority. The strategic planning effort resulted in the development of a mission and vision for the CAO supported by four goals centered on its customers, processes, stewardship, and employees with 12 associated objectives.

Since implementation of the new customer-focused plan was initiated, the CAO has undergone some major changes. Perhaps most significant to date was the creation of an entirely new business unit called the Customer Experience Center (CEC). The CEC, which launched in October 2017 in support of the Strategic Plan's customer goal, was created to ensure exceptional customer experiences through each CAO service delivered to the House community. Comprised of existing, revamped, and new capabilities, the CEC connects the CAO's technical, administrative, and operational experts with their customers with a focus on simplifying access to CAO services and making the processes better, faster, and less expensive.

Last fall, the CAO introduced its first two Customer Advocates, full-time staff assigned to Member offices to help facilitate and triage CAO services for its customers. The Customer Advocates work closely with office staff to identify and fulfill their needs. Originally assigned to a total of 70 Member offices, the two Advocates' portfolios quickly grew to approximately 100 offices, and they have been very well received. Expansion of the Customer Advocate program to the remaining Member offices is planned in FY18.

The Advocates have already provided valuable support in connecting Members with the services they need to either resume office operations or to get them up and running. Coordinating with additional CAO business units, the Advocates responded with other CAO team members to assist a Member office to recover from an office flood. Additionally, the Advocates helped to create a seamless experience for a new Member office beginning its operations following a special election. They have also served as the catalysts for improvements to CAO services such as the CAO's online room scheduling service and its online self-service tool – MyServiceRequests. The CAO expects reliance on its Customer Advocates to grow exponentially as it expands and advertises the program in FY18 and through the upcoming Congressional Transition.

Alternatively, the Advocates have assisted Member offices with their adherence to House policies. For example, the Advocates proactively provided support for their assigned offices in completing required inventories, which kicked off this spring.

The CEC is also moving full steam ahead with plans to offer a more streamlined service for digital media and graphic arts services. The formerly separate offices of Photography and Graphics are now consolidated under one department. The new office will serve as a one-stop-shop for all visual media needs. The CAO will offer new services including videography, motion graphics, and animation to better support the 21<sup>st</sup> century media needs of Members. The CAO is also developing and testing a new online system to streamline the delivery of these media products. This digital asset management system creates a user experience that Members and staff are familiar with in the commercial marketplace where it's easy to find images for download, order prints, and even upload their own images for editing.

The Strategic Plan's employee goal has spurred organizational changes for the CAO. Specifically, the CAO is working to develop and implement a system to foster a professional and engaged workforce with greater advancement opportunities within the CAO. Efforts include the development of a talent framework to ensure the CAO recruits, hires, and develops talent in new and engaging ways; the implementation of a new performance management system; designing and deploying a training program for managers; and the implementation of a workforce optimization program to ensure the organization has the right people in the right jobs at the right time.

In support of its stewardship and process goals, the CAO's Office of Finance is undergoing an operational realignment based on the findings and recommendations of an independent, comprehensive assessment. The realignment includes a reorganization of the Office of Finance's business structure, implementation of quality assurance initiatives, and the enhancement of its knowledge base program to add to existing policies and procedures.

### **Continuation of Ongoing Major Projects**

While cybersecurity and the implementation of the CAO's strategic plan remain paramount initiatives, improving and expanding upon several other major ongoing support services provided by the CAO also remains a priority for the CAO in FY19. Specifically, the CAO will prioritize the improvement and expansion of House food services, wellness and professional development offerings for House staff, technology services for Member district and D.C. offices, the House Wounded Warrior Fellowship Program, financial services, asset management, identity access management, the Cannon Renewal Project, and the House's transition to the 116<sup>th</sup> Congress.

#### **House Food Services**

To address clear challenges with food services provided by the House restaurant and vending vendor, the CAO convened a Quality Assurance Surveillance Program in early 2017. The program has yielded positive results, including initiatives to offer value meals in all cafeterias, organic and gluten-free snacks in the C-Stores, redesigned menus with a focus on healthy options, and seasonal menus. Three new stations opened in the Longworth Cafeteria: Pacific Traders, My Dish, and a Boar's Head Handcrafted. Furthermore, management changes have been made across the House campus.

In January, the CAO conducted a food service survey across the House community. With more than 2,400 responses, it was clear that there is a strong preference for both branded food options and traditional cafeteria options. The addition of a new branded option is underway for the Cannon House Office Building, and the CAO is actively researching additional franchises to add to the current traditional cafeteria food service offerings.

**House Staff Wellness Offerings**

Public and private sector entities are increasingly providing wellness programs for their employees to combat stress and promote greater mental and physical wellbeing. Recognizing the positive impact of such programs, last year, the CAO launched a series of wellness courses on the House campus. One of the courses offered focused on the topic of mindfulness, and it was particularly well received. These courses continue to book up quickly and receive positive reviews.

Based on its analysis of wellness programs and their benefits, the CAO determined that a broader, more formalized House wellness program should be established. Therefore, in concurrence with the Appropriations Committee's report, the CAO developed a wellness program action plan to establish a centralized, easily accessible Wellness Center for the House community that offers a series of online and in-person courses on a variety of topics, including nutrition, fitness, general health, and stress management.

Starting with the creation of an advisory committee of stakeholders from across the House community, the plan calls for dedicated Wellness Center staff to be certified as Mindfulness Based Stress Reduction Teachers, as well as a dedicated on-campus "storefront" office, online resources, and individual and group consultative services specifically tailored for the House community. Recruitment for the Wellness Center's Program Manager is underway, and the CAO is actively working to organize and launch the Center's advisory committee.

**House Staff Professional Development**

In 2017, the CAO sought to make enhancements and adjustments to the CAO-provided training program to better align its curriculum with customer needs. The organization adjusted scheduling practices, began refreshing classroom technology, and experimented with new class offerings. These changes resulted in some noticeable improvements, but it was clear that much more needed to be done.

The fundamental direction of the CAO's training was not meeting the needs of its customers. As such, the CAO began a bold transformation to bring much needed professional development to Capitol Hill under a new brand, the Congressional Staff Academy.

To begin this transformation, at the end of FY17, the CAO began to wind down many of the unutilized services of the old training program while maintaining necessary service

levels to facilitate required training such as Ethics and financial systems training, and other important curricula like active shooter and CPR training.

The new Congressional Staff Academy (CSA) will be the central point of coordination and a recognized brand for staff education. In addition to administering required training, the CSA will create professional development curricula for congressional job roles and skillsets. For example, the CSA plans to create and offer new staff education programs on office administration, communications, and supervisory and management skills. The CAO has already hired a Program Manager and a Coordinator who are currently working on new professional development curricula. The first course, which is designed for financial managers, is expected to be available before the end of FY18.

In addition to updated training content, the CSA will prioritize improving access to its new curriculum by consolidating the multiple platforms currently in use and introduce a more streamlined experience for finding, registering for, attending, and tracking attendance of trainings.

#### **Enterprise and Technology Services for House Offices**

The CAO provides a broad spectrum of enterprise and technology services to House offices in Washington, D.C., and across the nation. As such, it is constantly seeking opportunities to provide solutions for Member offices that improve efficiency and workflow and provide cost savings. For example, the CAO is expanding access to various cloud services, including Office 365. Approximately 4,000 individuals at the House are using the Office 365 suite, enabling them to use the newest version of Microsoft Office, OneDrive, and SharePoint. These applications provide offices with greater accessibility to their files, enhanced collaboration tools, significantly more storage, and the ability to view and edit files on the go with mobile apps. Additionally, standardizing the House onto a single version of Office enhances security and supportability, yielding cost savings for the House.

CAO's Web Systems team offers secure, cost-free website development and hosting using the popular Drupal technology platform for a growing number of House offices. In fact, of the nearly 500 current House Member and Committee websites, CAO Web Systems has developed and/or hosts 76 percent.

Additionally, the CAO is constantly working to identify and vet popular cloud services for offices' use such as Box Enterprise, Adobe Creative Cloud Enterprise, and ArcGIS – a geographic mapping software that allows offices to visualize data patterns.

Another example is the recent purchase of Hyperion, a budget planning platform that has been deployed for all House offices to use. Hyperion will replace the outdated Congressional Accounting and Personnel System and eliminate redundancies that were problematic and time consuming under the old system.

Last year, the CAO also renegotiated enterprise subscriptions to two news publications for all House offices, saving them money, and will monitor their popularity among offices before renegotiating.

Finally, the CAO provides technology support specifically for the approximately 900 district offices. Since the beginning of the 115th Congressional Transition, the CAO has been actively engaged to equip all the freshman district offices with Broadband internet connections and Voice over Internet Protocol (VoIP) phone service. Broadband and VoIP connections yield higher-quality data and voice connections, greater functionality, and cost savings. To date, the CAO has converted 99 percent of the 441 primary or "flagship" district offices to Broadband connections and 115 district offices are now either on the VoIP platform or in the process migrating over to the platform. During the 116<sup>th</sup> Congressional Transition, the CAO will continue its effort to connect all freshman offices to Broadband and VoIP platforms and focus on expanding VoIP to the remaining district offices.

#### **Wounded Warrior Fellowship Program**

The House Wounded Warrior Fellowship Program, established in 2008, provides proven, valuable work experience and professional development opportunities for veterans with service-related disabilities through CAO-sponsored two-year fellowships in congressional offices. Given the program's success over the years, demand for the program is high. In fact, its waitlist has grown to more than 100 Member offices. To meet the increased demand, the program was recently expanded from 50 to 85 fellows, and the CAO is actively working to recruit and place new veterans into the Program. The CAO has also expanded the Program's professional development curriculum for participating Fellows, which now includes a robust four-day orientation. This year, the CAO is exploring options to rebrand and better publicize the program and the fantastic opportunities it provides for veterans with service-related disabilities.

#### **Financial Services**

In 2016, after operational irregularities and inconsistencies within the CAO's Office of Finance were identified, the Committee on House Administration encouraged the CAO to initiate an organizational assessment of the department. In September 2016, the CAO engaged an independent contractor to conduct a comprehensive organizational assessment focused on building a sustainable business model with the agility to adapt to evolving requirements.

The assessment, which concluded in September of 2017, outlined significant gaps and deficiencies in many key operational areas, including formal documentation policies, defined role responsibilities, error rate tracking and reporting standards, and succession plans. The independent contractor also highlighted the department's overreliance on paper-based processes and its lack of proactive customer engagement.

The assessment also included numerous recommendations to address deficiencies and improve overall accuracy, accountability, and customer engagement and service. Working under the direct supervision of the CAO's Immediate Office, the CAO's Office

of Finance developed a plan that supports the implementation of the 30 actionable and practical recommendations developed through the organizational assessment and is focused on making gains in financial management governance policies and procedures, employee training, and customer service. For example, the CAO reorganized its Financial Counseling Division to better serve customers through faster, streamlined, and more accurate processing of payments. It also expanded its leadership within its Office of Finance by hiring two new Deputy Chief Financial Officers, adding greater focus on key initiatives and improving overall service delivery and leadership.

While efforts to address the identified deficiencies are underway, the CAO acknowledges that much work remains to fully implement the recommendations and rectify the identified deficiencies and is committed to aggressively implementing the recommendations through FY19.

#### **Asset Management**

Since FY13, there has been an ongoing significant deficiency in the House's independent auditor's report related to asset management. Among other issues, the audit highlighted inaccurate record keeping and inefficiencies caused by the House's decentralized equipment receiving and delivery processes. The auditors strongly urged the House to adopt a centralized receiving process. Though the CAO successfully implemented centralized receiving to improve its internal asset management, it needs to expand these processes to successfully account for the House's more than 60,000 assets.

To improve and expand its asset policies and procedures in tracking assets owned by the House and remediate the identified deficiency, CAO's Asset Management has engaged an independent firm to assess its operations and develop a phased approach to maturing the program into a reliable, efficient, effective, and customer-focused capability. The independent firm will also assist the CAO to align its House-wide practices with industry standards; meet customer expectations by providing a simpler, more user-friendly asset management experience; and reduce the risks associated with office equipment management in a unique environment like the House.

The phased approach aims to first mature the CAO program and enhance and validate its asset management policies, processes, procedures, and measures. After the CAO program is validated, the CAO will incrementally expand the program to House officers and then to Member, Committee, and Leadership offices by creating, communicating, and implementing the program to incorporate accountable assets they control.

#### **Identity and Access Management**

Identity and Access Management (IAM) relates to how offices receive, update, and/or exchange identity-related information and use it to manage access to various House resources such as the House network, financial systems, and privileged accounts. Improving and streamlining the House's IAM is critical to enhancing cybersecurity, securing personal information, and improving the efficiency of House business processes. To streamline the House's current IAM processes, which currently include

the use of multiple identity management applications, in January 2018, the CAO created a dedicated Identity Governance & Administration (IG&A) organization.

IG&A is developing a new identity hub that will initially integrate with My PayLinks and, as it matures, will integrate with other House applications and identity sources ultimately creating one system. For example, when an individual is hired, CAO's Office of Payroll and Benefits will enter the initial onboarding information into the identity hub, which will then trigger workflows to other CAO departments and House offices responsible for various aspects of the onboarding process such as network account creation. Once complete, the IAM system will provide the House with a consistent, secure, and reliable House-wide program for identity management and will improve the technology related to the authentication, authorization, management, and oversight of identity and user access to systems.

#### **Cannon Renewal**

In support of Phase One of the Cannon Renewal Project, the CAO met with all offices slated to return to office space in the renovated portion of the Cannon House Office Building to determine their office and furniture preferences. The CAO also removed electronics and identified and removed decades-old cabling infrastructure and will install new cabling and data networking capabilities once the spaces are ready. As offices move back into the renovated space, the CAO also will oversee the installation of office furnishings, carpet, drapes, phones, computers, and office equipment.

Additionally, working closely with various House stakeholders, including the Architect of the Capitol and offices directly impacted by the renovation, the CAO gathered feedback through surveys and focus groups and awarded a contract for the furniture to be installed in Cannon office space upon the completion of each phase of the renewal project.

In preparation for Phase Two of the Cannon Renewal Project, commencing in January of 2019, the CAO will facilitate office move-outs from the Independence Avenue side of the building, including other various moves because of the renovation work across the House campus.

#### **Congressional Transition**

Every two years, the CAO provides support for each Congressional Transition in conjunction with fellow House Officer organizations, the Architect of the Capitol, and the Committee on House Administration. Preparations for the 116<sup>th</sup> Congressional Transition are underway with a coordinated, in-depth review of Transition policies with the Committee on House Administration.

This transition, the CAO is proactively identifying opportunities to improve the processes and procedures for both Members and House staff to transition in and out of Congress. Central to this effort is the creation of a transition playbook for use in future Congressional Transitions to institutionalize a streamlined process, ensuring consistent and efficient operations each transition year.

### **New House & Customer Service Initiatives**

In addition to the abovementioned ongoing major projects, the CAO has taken on new and/or increased service responsibilities that will also be prioritized in FY19, including the expansion of the House of Representatives Child Care Center, facilitating the House's required Workplace Rights and Responsibilities education, and the establishment of the new House Office of Employee Advocacy.

#### **House of Representatives Child Care Center**

Since its creation in 1987, the House Child Care Center, operated by the CAO, has provided child care services for House employees. While House child care demands have increased over the years, the capacity of the House's Child Care Center has not. Today, the waitlist for the Center surpasses 250 children of House, Legislative Branch, and federal employees, with the overwhelming majority of those on the list being children of House employees.

To accommodate more House families, the CAO is working in close coordination with House stakeholders to expand the Center.

#### **House Workplace Rights & Responsibilities Education**

Immediately upon the November 29, 2017, House passage of H. Res. 630, which requires mandatory Workplace Rights and Responsibilities education, CAO departments began working together to find solutions for this very large, time-limited requirement. The CAO worked expeditiously to conduct a full and open procurement for a vendor with the unique balance of capability and expertise to develop and implement outstanding custom, in-person education for the entire House in Washington, D.C., and across the nation in under 90 days.

Delivery will begin on April 30 and will include over 300 education sessions in Washington, D.C., and hundreds more in every state across the United States. This curriculum is specifically designed in accordance with Committee on House Administration regulations to be highly interactive, and to raise awareness on how to create a civil workplace through recognition and prevention of discrimination and harassment in the workplace.

#### **House Office of Employee Advocacy**

Per H. Res. 724, which passed the House of Representatives on February 6, 2018, the CAO was charged with establishing the Office of Employee Advocacy to provide legal assistance, consultation, and representation to covered House employees on relevant employment-related issues. The CAO is currently interviewing candidates for the position of Director of Employee Advocacy. In its search for the Director, the CAO is seeking a candidate who understands the nuances of employment law as outlined by the Congressional Accountability Act of 1995 as well as the critical nature of the role of the newly-established Office of Employee Advocacy within the U.S. House of Representatives. The CAO expects to hire the Director by June.

**Conclusory Statement**  
**Philip G. Kiko**  
**Chief Administrative Officer**

Since I last testified, the CAO as made significant progress with the initiatives and projects it prioritized for FY18. We made great strides in our efforts to protect the House against ever-increasing cyber threats. With a renewed commitment to provide exceptional, cost-effective, and forward-thinking services, the CAO started to operationalize its new strategic plan and created an entirely new business unit dedicated to improving customer experiences. The Office of Finance underwent a comprehensive assessment and is overhauling its operations to improve accuracy, accountability, and customer engagement in the services it provides. A similar review and revamp of our asset management processes is currently under way.

The CAO is constantly identifying opportunities to improve and expand upon the many services it provides, including the House's food services and the wellness and professional development offerings provided to House staff. Although great progress has been made, improving and enhancing these services remain a priority.

In addition to improving or enhancing its existing services, the CAO has also taken on new and increased responsibilities such as the expansion of the House day care facility, implementing the newly-required Workplace Rights and Responsibilities education, and establishing a new House Office of Employee Advocacy.

The initiatives outlined in this testimony are the CAO's priorities for FY19. The FY19 budget request is based on a thorough examination of the agency's current operational capabilities compared to these priorities and the fast-growing needs of the House community.

I appreciate the opportunity to present these priorities on behalf of the CAO's dedicated employees and express my gratitude for the Subcommittee's support. Again, thank you, and I look forward to continuing to work with the Subcommittee as the CAO strives to best serve House Members and their staff.

Mr. YODER. Thanks to all three of you for your testimony. We will now move to questions and answers.

POSEY RULE

I have a question for Ms. Haas to start out with. On the opening day of Congress, a new House rule was adopted, known as the Posey Rule, and it requires a Comparative Print of proposed amendments. This is something that, when I was in the Kansas legislature, every amendment would have a comparative print, and you were able to see sort of what was being changed, not just the changes.

Your office plays a critical role in implementing this new requirement, and I know you had a December 2017 deadline to implement the first phase. How is the implementation going, and what are the next steps?

Ms. HAAS. So implementation is going well. We were able to meet that timeframe. And, currently, with work from House Legislative Counsel, working collaboratively with the Rules Committee, that information is available publicly prior to bills coming up on the House Floor. For example it is available on the Rules Committee website.

Phase II, though, is to make this easier for Members and staff to use and not to have to have the professionals at Rules and Leg Counsel have to use the product.

We are in Phase II of the requirements. We expect to have the requirements completed next month, and by the end of the month, we hope to have an RFQ out on the street to move forward with Phase II. So we are moving expeditiously, and we want to get to what you are used to from the State legislature.

Mr. YODER. And that will be accessible to the public? It already is on the Rules website?

Ms. HAAS. So the information is already available, correct.

Mr. YODER. Right.

Ms. HAAS. But the tool itself will be used for internal purposes for Members and staff to be able to run several different options.

GARAGE SECURITY INITIATIVE

Mr. YODER. Okay.

All right. And then, Mr. Irving, the status of the garage security initiative, that is something we have talked about here, the changes that we are making to garage security.

Mr. IRVING. Yes, Mr. Chairman.

Mr. YODER. Would you update the committee on that, on the timetable?

Mr. IRVING. Indeed. It is moving along well in parallel course with the garage rehabilitation project. The largest portion of the garage security initiative, frankly, is the Rayburn. We have already got, you know, the Ford House Office Building.

We have the East and West Undergrounds, what we used to call the HUGs, but the Cannon and Longworth Underground is done. We still have the Rayburn and then the Cannon. The Rayburn is the biggest chunk because of the size of the garage.

We are on phase 2 of the garage rehabilitation, which has also built out many of the—what will be the secure—the vestibules for

our magnetometers, X-rays, and other screening equipment. So we are on track.

What was missing were the FTE, Capitol Police FTE, which, thank you to this committee, we now have those funded. We are about a year out. It takes about a year to recruit, hire, train, and get those boots on the ground.

So we are at about a year away from implementation in at least an interim phase. We will be done with phase 2 moving into phase 3 of the rehabilitation project to continue the build-out of the other vestibules, but we should be on track to begin garage security in earnest probably around this time next year.

Mr. YODER. One of the points we have discussed on this before is how Members might be able to move through security through doors that are going to be closed under this initiative. I know Members will have concerns about, you know, a door they can go through now that takes them up to their office, and now they are going to have to go a different route. And we talked about giving them sort of key cards or something.

Mr. IRVING. Yes.

Mr. YODER. Is that still part of the process?

Mr. IRVING. Indeed. Members, as you know, they do not go through security and bypass security. So, at the entry points, the five main entry points, they will obviously not go through screening. And for those access points that we have closed down that may be closer to where they park, we will provide them prox cards so they can access those doors so they can get to where they need to go a little bit quicker.

Mr. YODER. Okay.

#### HOUSE FOOD SERVICES

Mr. Kiko, I know that you did a study of food service feedback in the last 6 months or so, sort of getting information from customers, their pros and cons, what they like about the food service. Any of that information that will be useful to share with the committee?

Mr. KIKO. We did a survey of all the employees. We got 2,400 responses back. People wanted branded options, and they also wanted cafeteria-style food, and so we have moved forward on that. We have been trying to have more branded options. We have been working with the Architect. We have been working with the committee on moving forward.

Au Bon Pain is going to be opening up in the Cannon Building. We have had some people that are now in the Longworth Building as well, Boar's Head and a couple of other ones. We have plans for more in the future, but we are trying to move very aggressively on that.

Mr. YODER. When does Au Bon Pain open up?

Mr. KIKO. At the beginning—I think in January—of next year.

Mr. YODER. Okay. And Boar's Head already is in Longworth?

Mr. KIKO. They are already there.

Mr. YODER. Okay.

Mr. KIKO. There are long lines, you know. They are very popular.

Mr. YODER. Okay. And you already have a Subway in Rayburn?

Mr. KIKO. Yes.

Mr. YODER. And there is the Dunkin' Donuts?

Mr. KIKO. Yes.

Mr. YODER. And those are pretty popular as well?

Mr. KIKO. Yes, they are. I think that is one of the largest Dunkin' Donuts in this area as far as volume of food.

Mr. YODER. We eat a lot of doughnuts here.

All right. I will yield to my friend Mr. Ryan.

#### HOUSE CHILDCARE CENTER

Mr. RYAN. Thank you, Mr. Chairman.

I would like to talk a little bit about the House daycare center. We have been talking about parking. And one of the issues I am most concerned about over there is—we have toured it a couple times—is how we can best handle the influx of the expansion.

Mr. Ayers referred to parallel or maybe slanted parking on one block, which obviously wouldn't be enough to address it. And I have since heard that maybe the front row of the big parking lot across the street might be reserved for daycare families. Can you give us the latest of what is happening over there?

#### HOUSE CHILDCARE CENTER PARKING

Mr. KIKO. Well, I know the Sergeant at Arms—and you can talk to this too a little bit—was working on a study. And I know the Architect is working on this. I think there are 36 spots right now. I just think that anything less than that is unacceptable.

We need to have parking. We need to have even more parking for people to drop their kids off. I think we will find an acceptable solution for everybody. I don't really know what that is yet because we have a lot of different moving parts, but we will have to get this done. We can't have people walk too far or drop people off in a dangerous situation.

But I do know, and we are looking at it. I am very involved in it. I know Paul is very involved in it. And we are going to grind it out until we find something that is acceptable, not just to get it done but to get an acceptable solution.

Mr. YODER. Yeah.

Mr. KIKO. That is all I can say right now because we don't have everything totally worked out yet on the studies and everything.

Mr. IRVING. I will certainly echo what Phil said, and we are working very closely with the Committee on House Administration as well on identifying all the spots that we need. Since we control pretty much all the parking in the area, we should be able to figure it out, but we are certainly working on it. A work in progress, but I am confident, as Phil said, we will get to the spaces that we need.

Mr. RYAN. Okay.

#### REDUCING FOOD WASTE

Phil, before I move on, one of the things we have been talking about was food waste at the Capitol, and I think it is a significant number. And I know we have put language in recent bills talking about how are we going to reduce the food waste, and I want it to be more than just we are putting language in the bill talking about food waste. So can you talk to us about what we are doing?

Mr. KIKO. Well, I will get back with the finer, specific points of what Sodexo is doing. I know that they are very, very involved in reducing food waste. They are very involved in portion control. For them, it is not beneficial from a profit and loss statement to have a lot of food waste.

But I will get back with you. I know that they donate food to nonprofits as well, but it is done anonymously, and they don't want to take credit for it. But they do, and I will get a little more detail on all that and report back to you fairly fast.

Mr. RYAN. Okay. That would be great. So the portion control is implemented, and then we go to Dunkin' Donuts and get the doughnuts. Story of our lives, isn't it?

#### SECURITY AT MULTI-MEMBER EVENTS

Mr. Irving, we, obviously, had a tragic experience last year with a multi-Member event with the baseball practice. Can you talk to us a little bit about some of the changes maybe that you have made to address some of our concerns with multi-Member events?

Mr. IRVING. Yes. We have instituted robust outreach to all Member offices, committees, leadership. Any time any Member or group of Members are going to go off campus, we want to know about it. We will conduct a survey. I work very closely with the Capitol Police, and I appreciate very much the Capitol Police. Chief Verderosa and Assistant Chief Sund have done a great job stepping up and providing us the manpower that we need to staff all of these off-campus events.

As you know, there are many events that we did not staff at one time, but we are doing that now. So, as the survey goes out, we will determine the degree of manpower that we need, depending on the site and depending on the exposure, and provide the requisite level of Capitol Police support at all of those events.

So that is a big change. We have streamlined the way Members can contact our office. They can do so via the HouseNet. I receive many letters from Members anyway usually when they are going to have something off campus.

But we want to make it as easy as possible for those requests to come in and staff those. And I also send a team out from my office as well. So that has been a pretty big change in the level of support that we provide to Members off campus.

#### DISTRICT OFFICE SECURITY

Mr. RYAN. And you mentioned security back in the district office. Can you just kind of go over that one more time—

Mr. IRVING. Yes.

Mr. RYAN [continuing]. And maybe let us know how many offices have taken advantage of this at this point?

Mr. IRVING. Yes. No, thank you. It has been very successful. Many, many Members' offices have taken advantage. We have done—we started last summer, you know, after the events of June. And, again, I appreciated very much the support of the committee.

We have done over 260 different Member offices. We have done a little over 350 individual offices. So some Members will have more than one office done. We are monitoring—at about 440, 450 offices, we are monitoring. We have picked up the monitoring fee.

Some Members had other services from other companies other than our main service provider. So it has been very successful. So we have about well over half the Members that are now, you know, involved in the program. We know we can do better. So we are just continuing our outreach.

With the transition now coming on, it has slowed down a little bit, but we are expecting it to certainly pick up once we do the—you know, get into new Member orientation for the next Congress.

Mr. RYAN. Okay. Thank you.

#### CENTRAL CALENDAR

Quickly, Ms. Haas, we heard a pretty practical proposal. Under the Chairman's leadership, we have invited numerous groups to come in and talk to us about some ideas that they may have as to how we could maybe run our institution a little bit better. And they asked that we put together—one of the groups asked that we put together one central calendar for all House committee hearings and markups with all the relevant details on one website.

Is that something that you have looked into, and do you think there is some reason why we wouldn't be able to do that? We think it would be good for our constituents to know. We already know, as I said last time, that all of the hearings are at the same time, but maybe it is important for the public to know exactly where they are.

Ms. HAAS. Absolutely.

Mr. RYAN. So have you looked at this?

Ms. HAAS. The good news is we have already done that. The calendar does exist. It is available through our current website. It is also available through Congress.Gov. I think the bad news, and the fact that that question was asked, is that we are not doing a good enough job at making it easily available and making people aware of it.

So the calendar is available. We created it a couple years back. It is on docs.house.gov. It is prominent on our new website, which will be fully effective in January, but we will work with the Library to make sure that it is easily accessible to the public.

Mr. RYAN. Okay. So, if our committee schedules a hearing, you will immediately know about it and immediately put it on there?

Ms. HAAS. Correct. That is right.

Mr. RYAN. Okay.

Ms. HAAS. It is on there now. This hearing is on there today.

Mr. RYAN. You are famous, Mr. Chairman.

All right. I yield back. Thank you.

Mr. YODER. Mr. Amodei.

#### SECURITY SCREENING

Mr. AMODEI. Thanks, Mr. Chairman.

Of course, the bad news is the committee has got to tell you and us when they are going to have their hearings, right?

Paul, I guess I need to talk with you and the chief offline, and it is kind of the same old subject, which is the screening to come into the buildings, as far as when you actually get there and somebody is putting you through the machine or they are wanding you or whatever, is okay. But it strikes me that we are in 110-year-old

to 60-year-old buildings with vestibules that were made to do nothing other than walk through the door and walk into the building and so—and we have been doing that for a long time. And, obviously, we need to do that.

But as you sit there, it is like—for a lot of these people that come to our offices, coming to the Nation's Capitol is a big deal. So, when you are queued up outside the building and on the sidewalk and if it is raining or whatever—it is hot or whatever it is—it is like coming and going out those doors a lot because—I mean, I don't need to worry about it, but you sense this frustration and this hostility, not with the actual screening process but—and it happens in all three buildings, because you know that I was on a jihad on, you know, Cannon is the third-class citizen of the buildings and all that other sort of stuff. But it is not even really about that anymore.

And so it strikes me that as we are sitting here doing one building—and we have had discussions already in this committee about, you know, when is Longworth—and maybe Rayburn is in front of Longworth—it is like, hey, maybe part of that Architect of the Capitol thing is, how do we screen people in a way that just doesn't involve the way we have been doing it since before there were this many people and before we designed those buildings to just have people walk through the doors? Because—and this is—I am just saying, it is one of those things where you are like, well, you can add more lanes and you can do whatever, but it is like not in a lot of them because basically the space doesn't exist.

So what I would like to do—and any other Member that wants to come—but it is like—and get the Architect of the Capitol too to say: Hey, we have been doing it this way for modern times, and, quite frankly, it is some days an awful experience just to wait to get screened. And then they come to your office or—well, I don't know if anybody comes to see Congressman Ryan, but anyhow, whoever's office—just wanted to see if you were listening down there, big guy.

Mr. RYAN. Barely.

Mr. AMODEI. So, anyhow, I think we need to talk about that because, quite frankly, I know it is a source of some frustration for you guys too, but it is like, well, we kind of keep doing it. And so I think we need to start—and I don't know what the answer is.

Mr. IRVING. Yes. I made a passing reference of what we call the master plan. It is a security plan that was done a number of years ago that we are upgrading. And it is a collaborative effort of the Capitol Police Board, so it is the Senate Sergeant at Arms, the House Sergeant at Arms, and the Architect.

And we are actually looking at proposing at some point the—and we are in the process of designing now—outside screening centers.

Mr. AMODEI. Super screening area?

Mr. IRVING. They would be screening centers. Those of us in the security business don't like screening inside buildings. We like screening to take place outside of the building. So this would help us with the paradigm that we would prefer, screening outside of the buildings, but also make it a far more pleasurable experience for those coming in out of the rain, out of the elements, maybe a seating area.

I would have appointments desks there, so appointments could be served there. It would be a far better experience for everyone. The initial goal, as you know, way back for the Capitol Visitor Center was sort of to be that entrance, and it didn't necessarily turn out that way because of the locations of the various House and Senate Office Buildings.

But having said that, I look forward to sitting down with you because we can show you some diagrams that we have already started to come up with to enhance the experience and make it better.

Mr. AMODEI. Thank you.

I yield back, Mr. Chairman.

Mr. YODER. And as part of that, one of the proposals is to build a South Capitol door entrance, right, and to put that outside?

Mr. IRVING. Yes. In fact, there was one, a temporary structure at one time after 9/11 when the CVC opened that went away, thinking that most folks would come in via the CVC. But we would like to establish that once again, construct that again.

So there would be just outside the—what is known as the south door on the House side of the Capitol would have its own separate structure which would be screening and, again, our appointments desk, waiting area, we feel would make the Capitol far more secure because we would take care of any issues, you know, outside of the Capitol before you get in.

The Senate does have a structure now, but it is a small, temporary trailer I think that they do probably want to upgrade as well.

Mr. YODER. So the south door structure would look different than the Senate structure. How would it look?

Mr. IRVING. At some point, both would look the same.

Mr. YODER. But in terms of the current Senate structure that is a temporary trailer. That is not what your proposal is for the south door?

Mr. IRVING. No.

Mr. YODER. What does that look like?

Mr. IRVING. It would be, if you would imagine some of our kiosks that are stone, so they would more closely match the architecture of the building. And we have to work with the Architect to see if this is going to be a structure that is going to be a forever structure or something that will be a little more temporary. But certainly it would be more than just a trailer, than one of these—

Mr. YODER. And the idea is that if someone did have some sort of explosive device, they wouldn't be in the Capitol when they were getting screened, right? They would be outside.

Mr. IRVING. They would be outside.

Mr. YODER. And does that structure have some way to contain—is it built in a way—

Mr. IRVING. Yes.

Mr. YODER [continuing]. That might have—anticipate there could be a problem and have a structure that contains that?

Mr. IRVING. Yes. Not to get into some of the—

Mr. YODER. Sure.

Mr. IRVING [continuing]. Area that borders on classified—

Mr. YODER. Correct.

Mr. IRVING [continuing]. But, yes, it would be designed to withstand certain issues and certainly be far more protection than what we have now. We have instigated a number of countermeasures in the meantime by enhancing our presence outside with what we call Vapor Wake or PBIED K-9s that will detect certain explosives.

So we do our best to put as many personnel, law enforcement personnel, Capitol Police, at those areas where people come into the buildings. But it would be better to have a separate structure outside for full screening.

Mr. YODER. The tragic shooting and killing of, was it two officers in, what was that, 1998. I wasn't here in Washington at that time. The shooter then was able to access the Capitol?

Mr. IRVING. Unfortunately, yes. Again, that was a classic example of someone who came into the building and was in the building, and we want to avoid that.

Mr. YODER. And that would be also preventable somewhat if the screening was happening outside?

Mr. IRVING. Yes, absolutely.

Mr. YODER. Okay.

#### HOUSE FLOOR VOTING SYSTEM

Ms. Haas, the voting system that you spoke about—

Ms. HAAS. Yes, sir.

Mr. YODER [continuing]. I am sure lots of Members will have questions for me and Mr. Ryan about that if, you know, it happens and they don't like parts of it. So I just want to make sure I understand. So all of the voting boxes on the floor will be replaced?

Ms. HAAS. Correct.

Mr. YODER. And they are being replaced with boxes that look similar but have modern technology?

Ms. HAAS. That is exactly right.

Mr. YODER. One piece of that is there will be a little digital read-out that will tell you what your vote is?

Ms. HAAS. Well, there is going to be—a screen.

Mr. YODER. Screen, uh-huh.

Ms. HAAS. At this point right now, the screen is very small, and when you put your card in, your name will come up. So, initially, that is what it is going to have.

Mr. YODER. So you know you have your right card.

Ms. HAAS. Correct. And it has some basic things in there. It will restate what your vote is after you voted. So it is another way for you to check your vote.

As you may recall, this new system will allow visually impaired Members to submit their votes, if we have any folks that are visually impaired, it has technology for that built into the new cards that we are going to be distributing. So those are the real changes.

From an operational standpoint as a Member, you are going to see very little difference on the screens.

Mr. YODER. And what is the benefit to the institution to do this?

Ms. HAAS. Sure. So, first of all, the current boxes are more than 20 years old. We are moving from what was a custom technology to a technology that is more commercially available. We will be able to support the systems ourselves.

I mentioned the display. They are going to have—they are new LED. So everything is really modernized in the new voting boxes. But the biggest—

Mr. YODER. The voting board will work the same? The functionality is the same?

Ms. HAAS. No changes to the board at all; that is right.

Mr. YODER. How much is this costing us?

Ms. HAAS. The whole—do you know, Bob?

Mr. REEVES. It is a little over \$300,000.

Mr. YODER. Over \$300,000. And will the cards look any different?

Ms. HAAS. The cards will look the same. The new cards that we are going to distribute right after the August break, the one change is we have put a Capitol Dome on there just so you will be able to know the difference from the earlier card provided at the beginning of this Congress. But if you try to use your old cards, they will not work in the new system. So we will be aggressively communicating to Member offices over the August break.

Mr. YODER. Will we need like a training session for certain Members—

Ms. HAAS. No.

Mr. YODER [continuing]. To be able to explain to them how to use this, or are they going to be able to—old dog, new tricks kind of issue here. But you think we will be okay?

Ms. HAAS. I think you will find it very simple.

The other thing is, during the April break, we did bring out the 50 boxes, and we tested them on the floor, and everything is continuing to go well.

Mr. YODER. And there will be more boxes, right, than we have now?

Ms. HAAS. That is correct. We will have two additional boxes on each side where Leadership designated where those boxes should go.

Mr. YODER. Got it. Okay.

Mr. RYAN. Did you say earlier you are going to do a baseball/softball display?

Ms. HAAS. That is right. Yes, sir.

Mr. RYAN. So the chairman and I would just like to recommend for that display the picture over here—

Ms. HAAS. Okay.

Mr. YODER [continuing]. Of two of the finest athletes that ever played the game.

Ms. HAAS. We will take that under consideration.

Mr. YODER. What we still don't know is whether you caught that ball, right?

Mr. RYAN. All I know is I couldn't walk the next morning.

#### CHAIRMAN'S CLOSING REMARKS

Mr. YODER. And, with that, the subcommittee is adjourned. We will reconvene at 1:30 tomorrow when we will meet for our subcommittee markup for fiscal year 2019 Legislative Branch Appropriations bill.

With that, thank you, all three, for your work and for your team and look forward to a great rest of your year.

[Questions for the record follow:]

**Phillip G. Kiko**  
**Chief Administrative Officer**  
**U.S. House of Representatives**

Response to questions for the record from the Subcommittee on Legislative Branch.

- 1. Chairman Yoder: Customer service is a welcome theme in the CAO's new Strategic Plan, which has spurred the creation of an entirely new business unit – the Customer Experience Center. Can you please describe the composition of the new business unit and how it is functioning within the organization and the House community?**

During the strategic planning process, it was clear that navigating CAO services can be difficult for two primary reasons. First, the CAO offers a wide spectrum of services from technical support, to payroll, to counseling, to acquisition support. Second, there is a lot of confusion between which House support entity provides what service – whether it's the CAO, the Superintendent, the Sergeant at Arms, etc. Navigating the many services can be overwhelming for an office, and offices shouldn't have to expend the time and resources to figure it all out.

Thus, the CAO created the Customer Experience Center – or CEC. While technically, the CEC is the 6<sup>th</sup> business unit within the CAO, it serves to supplement and enhance the services provided by the CAO's other five business units and to better connect them with the House community the CAO serves.

The CEC is comprised of various CAO service providers either moved from existing business units or added to provide an entirely new service. Nearly all of the services transferred from other business units have been modified to improve and streamline access to the services they provide. Many have also been tailored with a hyper focus on serving Member, Committee, and Leadership offices rather than supporting CAO operations.

For example, the CAO combined its graphics and photography departments and added video services to create a one-stop-shop to meet offices' digital media needs. And, in place of the old CAO-provided training, the organization is launching the Congressional Staff Academy that will focus on delivering professional development courses specifically crafted for Member office roles and skills like office administration, communications, and supervision and management.

The CEC also includes new service capabilities – most notably the Customer Advocates. Customer Advocates are full-time staff assigned to Member offices to help facilitate and triage CAO services. The first two were hired last fall and are currently assigned to approximately 100 offices.

To date, the Customer Advocates have been very well received by Member offices, helping offices set up new operations after a special election and helping one recover

from an office flood. They are also currently assisting offices with required CAO-facilitated inventories.

The Customer Advocates also serve as catalysts for change within the CAO by relaying valuable feedback from our customers to our service units, providing practical and actionable recommendations on ways we can improve.

The CAO is in the process of hiring additional Advocates to serve the remaining Member offices and expects reliance on them to increase exponentially as the CAO expands and advertises their services, particularly during the Congressional Transition.

**2. Chairman Yoder: Since you last testified in May, what has the House done to improve its cyber security posture?**

Over the past year, with the support of the Subcommittee, the CAO has made significant enhancements to the House's cybersecurity posture and continues to make improvements in what will be a forever changing landscape.

First, it completed a comprehensive cyber assessment, which was conducted by a highly-qualified, independent firm. The assessment entailed a peer benchmarking strategy that compares the House to industries with similar IT challenges like healthcare, entertainment, and academia. Similar IT challenges include:

- A large number of geographically dispersed collaborators
- A need to make a large amount of information accessible to the public
- High employee turnover
- Limited resources

It identified staffing, technology, and process gaps, including those related to incident response and operations and technology. Since the completion of the comprehensive assessment, the CAO has been working to address the identified gaps and is making improvements to its cybersecurity capabilities, including:

- Increased network intrusion detection capabilities
- More rapid response to remediate malicious activity
- Greater scrutiny of systems connected to the House to ensure they are properly configured and maintained.
- Expanded use of multifactor authentication
- Improved intelligence gathering and analytical capabilities
- Greater threat intelligence reporting and sharing practices

The CAO has also identified and is prepared to execute its short-term cyber goals to be completed before the end of FY18 and long-term cyber goals to be completed in FY 19.

All of these efforts will help ensure the House maintains a proactive rather than a reactive cybersecurity posture.

Finally, the CAO is working with The Committee on House Administration to develop and enforce new standards for shared IT and financial employees, which will centralize oversight and enforcement of the House's Information Security Policies and add additional security measures to protect the House network.

**3. Chairman Yoder: You mention that the CAO is constantly seeking ways to improve efficiency and save money through greater use of technology, can you elaborate on some of the organization's recent efforts?**

The CAO offers a broad spectrum of services to Members' D.C. and district offices – many of which can be enhanced through greater use of technology. When the CAO succeeds with greater technology integration, offices achieve greater efficiencies that also yield cost savings.

Examples of technology integration include:

- **MyServiceRequests** – The CAO has greatly expanded the House's online self-service tool. In the past two years, it added 27 services to the tool bringing the total to 95 services. As the tool has expanded, there has been significant increases in its use. In 2014, it generated an average of 350 requests per month. Last year, the average was nearly 2,500 per month.
- **Office 365** – The CAO continues to roll out the Office 365 suite to offices, enabling them to use the newest versions of Microsoft Office, OneDrive, and SharePoint. These applications provide offices with greater accessibility to their files, enhanced collaboration tools, significantly more storage, and the ability to edit files on the go with mobile apps. There are currently 4,000 users on the Office 365 suite, and as it becomes the standard Office platform used across the House, the costs of supporting and securing it – as opposed to supporting and securing multiple platforms – will save the House money.
- **Web Systems** – The CAO's Web Systems team continues to grow its portfolio of websites created and hosted for House offices, saving them considerable amounts of money given the cost of web development. The CAO Web Systems team created and hosts 76 percent of current Member and Committee websites.
- **House Budget and Planning Tool** – The CAO has recently deployed a new budget and planning tool currently being used by approximately 100 offices that is part of a larger effort to replace the outdated CAPS program, eliminate redundancies, and help safeguard personally identifiable information. It is also in the process of rolling out a new portal that will give financial administrators a one-stop-shop for all their financial resources.

- **VoIP & Broadband** – Since the beginning of the 115th Congressional Transition, the CAO has been actively engaged to equip all the freshman district offices with Broadband internet connections and Voice over Internet Protocol (VoIP) phone service. Broadband and VoIP connections yield higher-quality data and voice connections, greater functionality, and cost savings.
  - **IAM** – Working with House stakeholders, the CAO is developing a single Identity and Access Management hub that will ultimately improve and streamline House management of identity-related information between various offices.
4. **Rep. Newhouse: Mr. Kiko, as you are aware, we have had significant IT issues in my office and they are too lengthy to detail in my short time. Generally our experience with HIR has been a negative one - there has been a lack of communication and a lack of positive results when we have an issue. I am convinced that your HIR employees do not understand customer service, the realities and challenges of working in a congressional office, or the demand on myself or my staff. What kinds of training do these office receive?**

I am aware of the issues you reference and I am disappointed in the level of service we provided your office. The CAO vision is "To be an essential resource for every Member of the People's House through outstanding customer experiences delivered by exceptional employees," and in this case, we clearly fell short. We need to work harder to prevent the issues you experienced and to fix them when they do occur.

Customer service means the CAO must be cognizant of the individual needs of every Member office and be responsive in a more customized, communicative way.

Per the CAO Strategic Plan, improving the CAO's customer service is a top priority. Critical to improving its customer service is improving CAO service providers' understanding of House Member and Committee office operations. In fact, the CAO created a new business unit called the Customer Experience Center with new Customer Advocates specifically designed to help our service providers better align with House office needs. These Customer Advocates are trained with a sharp understanding of the realities and demands put on Members and staff, and many will have recent experience working in a Member office. Before the end of 2018, we will assign your office a Customer Advocate.

In the interim, HIR has been working extremely hard to improve its customer service, with a focus on the services provided to Member offices. Our support teams traditionally receive specific training in hardware, software, and interpersonal and communications skills on an annual basis. However, their training historically has not included a formal educational component specific to Member and Committee office dynamics and operations, which the CAO agrees would improve the services they provide. Therefore, working with the Customer Experience Center and its Customer Advocates, HIR is working to better educate their support teams on House office operations and is working to integrate a more formal training component for all HIR support staff.

Moving forward, the CAO will be more proactive with your office in fulfilling its needs and provide better service to nip problems in the bud before they languish into an unresolved state and negatively impact your office operations.

In addition to training, this year, the CAO is implementing a quality assurance program for technology support staff that will produce performance metrics that will be analyzed and used to improve staff performance and customer service.

To improve its operational responses to technology issues, HIR has implemented an Integrated Operations Center (IOC) to expedite the problem resolution process. With the new IOC process, when there are complex issues brought to HIR's attention, the IOC will alert HIR senior management and engage support staff (likely a TSR), technical engineers, and the office's shared IT employee or vendor to resolve the issue. HIR recently hired a former shared employee with direct experience working for Member offices to help support the IOC process – and his insight into the challenges of a Congressional office will greatly benefit that entire team. I certainly hope this new process will benefit each office individually and am personally monitoring its implementation with your office, which is at the top of the list.

Finally, I must point out that HIR does a lot of things right. I have great confidence in our CIO and her management team. I am convinced that she is changing the culture of that entire organization, and I look forward to showing that change to you and your staff in the coming months.

- 5. Rep. Newhouse: I am also very worried about the technology resources our offices have, which lag behind what many of us enjoy in our homes. I represent a West Coast office, and the delay my district offices have when using the House exchange or the shard drive is, quite frankly, ridiculous. If my district staff upload photos to our offices shared drive, it can take hours. These same staffers in their personal lives, if they upload photos or documents to their Google drive or Dropbox it takes minutes. How can we improve this? I understand this is particularly a problem with West coast offices that must go through an intermediary server.**

Currently, all offices access the House network through two geographically-dispersed data centers located in the Eastern half of the United States. The HIR team is actively investigating locations for an additional network connection point located in the Western half of the United States to improve network response times for West Coast offices. Implementation of this connection point is scheduled for 2019.

HIR staff are available to work with your system administrator to check connection speeds and rule out other technical issues impeding file uploads/downloads speeds.

To assist offices with managing large files, *e.g. pictures, videos, etc.*, HIR has approved several secure enterprise cloud solutions that would eliminate the need to use the

House network to upload, store, and download large files. These cloud solutions include the business enterprise versions of Dropbox and Box.

- 6. Rep. Newhouse: During these past months we have heavily leaned on our shared IT employee as we are working through larger IT issues with your team. I am very troubled by reports that your office is looking at phasing out shared staffers. This would, quite frankly, create more work with our already limited staff resources. Can you explain why this decision is being made? Follow-up: In the event he answers that they are not being phased out. Next year when new members are sworn in, will they be allowed to hire shared IT staffers?**

I testified before the Committee on House Administration on April 12, 2018, regarding shared employees generally, and specifically about the cybersecurity risks shared IT staff present to Members and the House. By way of background, the CAO and the House Sergeant at Arms were directed to conduct an analysis on ways to mitigate the risks associated with the current management structure of shared employees in response to an incident with five shared IT employees who served more than 30 House offices and engaged in what is evidenced to be procurement fraud and violations of House cybersecurity policies and the Committee on House Administration's Shared Employee Manual. Many of the risks associated with the current framework entailed lack of compliance with House policies and exploiting weaknesses within the system.

The needs of Member offices were an ever-present concern throughout these deliberations, and Member listening sessions hosted by the Committee on House Administration were instrumental in crafting a solution. Based on the preliminary analysis conducted by the House officers, as well as feedback collected by the Committee on House Administration, it was determined that establishing new standards that centralized the oversight of shared IT and financial employees' compliance to House policies and adding new vetting measures would reduce risk to Members and the House. We cannot afford for shared employees – particularly those with privileged access to the House network – to ignore House policies designed to protect Members and the House infrastructure.

On Wednesday, April 25, 2018, the Committee on House Administration adopted House resolutions calling for the establishment of such standards to be implemented October 1, 2018.

For the 116<sup>th</sup> Congressional Transition, it is my intention to provide new Members with better and more comprehensive IT services. Through this approach we can meet the needs of Member offices, improve our cybersecurity posture, and ultimately save the House money. The CAO is making a full-court press this year to greatly improve IT services and prepare for the influx of IT service needs.

As part of this initiative, I will request that the Committee on House Administration strongly encourage freshman Members of the 116<sup>th</sup> Congress to not hire an IT vendor

or dedicated IT staff – shared or otherwise – until we have an opportunity to prove that these new comprehensive services meet their needs. If we are not meeting their needs after 90 days, then I cannot argue with any Member who wants to hire a vendor or dedicated employee to perform this work.

**Office of the Clerk Responds to  
the Questions for the Record (QFRs)  
Subcommittee on the Legislative Branch Hearing on the Fiscal Year 2019  
Budget Request – April 25, 2018**

- 1. On the opening day of this Congress a new House rule was adopted, this rule known as the Posey Rule requires a comparative print of proposed amendments. This is something that has been done for years in the Kansas legislature. Your office plays a critical role in implementing this new requirement and I know you had a December 2017 deadline to implement the first phase of this initiative, how is the implementation going, what are the next steps?**

**Posey/Comparative Print: Implementation Next Steps**

Implementation of Phase I of the Posey Comparative Print project went well. Working with the Office of the Legislative Counsel and the House Rules Committee, the Legislative Computer Systems division of the Office of the Clerk delivered an interim solution that meets the House Rules requirements stipulated in Clause 12 of Rule XXI. We are continuing to improve and fine-tune the application while preparing for the Phase II effort.

We have begun the requirements gathering effort for Phase II. This effort will provide a set of tools accessible by appropriate House staff that will create on-demand static comparative prints that illustrate the changes between:

- An amendment(s) proposing to amend or repeal current law contained in a bill, joint resolution, amendment in the nature of a substitute, or a committee print with the section of current law (positive and non-positive law) that the amendment(s) is proposing to change. (A Posey-Ramseyer Statutory Changes document which will be used to meet the requirements of clause 12(a) of the House Rules.)
- A reported measure from a committee under consideration by the Rules Committee with any Rules Committee Print that has changed the reported measure. (Comparing one “bill” version with another “bill” version) *This solution was delivered in December, 2017 but will be improved and fine-tuned.*
- An amendment to the bill proposal (comparing a floor or committee amendment to the legislation it [the amendment] proposed to change.)

The goals of Phase II are to make the solution easier for appropriate staff to use the tool, improve the quality and presentation of the results, and develop a platform, which is more robust, secure and scalable. We will also begin to address what the best helpdesk support solution will be if/when the solution is released for use beyond the Office of Legislative Counsel, as well as how the

comparative prints technology may be used by the Library of Congress and the Government Publishing Offices websites (congress.gov, gpo.gov, govinfo.gov). The Phase III work planned for FY19 will be a continuation of Phase II in addition to designing/building the data infrastructure and migration of existing database of public law and compilations. (Of note, it is highly likely that the Posey work will continue beyond Phase III.)

**2. It is my understanding that your office is in the process of coordinating the installation of a new electronic voting system in the House chamber**

**Installation of a new Electronic Voting System (EVS) in the House Chamber.**

• **What are the benefits of the new system?**

There are several benefits of the next generation of the House vote stations:

- We are moving away from custom designed to commercially available proven technologies which will allow us to do more of the maintenance and support internally.
- We will utilize the latest smart card technologies which are more easily purchased.
- We will provide additional vote station capacity (46 to 50) and make it easier for future expansion through plug and play capability.
- The new vote stations will implement capabilities to accommodate the visually impaired.
- There is an added LCD screen which provides a display of the Member name and other voting card feedback.
- While making these changes we have also sought to maintain a similar look, feel and usage of the current voting machines while keeping the integrity, availability and security of the vote station technology.

• **Are you still on track for an August 2018 installation?**

Yes, we are on track for an August 2018 installation. The vote stations are currently powered up and being tested on the test EVS network located in our Rayburn data center. The new vote stations were brought to the House floor during the April District Work Period for testing but then returned to our data center.

• **From a Members perspective of actually voting and using the system, what, if anything, will change?**

We have carefully designed the new system to keep the functionality and the visuals very similar to the existing system, not much will change. Each Member still puts their card in the card reader and pushes one of the buttons to cast their vote. There is a new LCD screen that will display the Members name when the card is put into the card reader and also provides other voting card feedback. Under the voting buttons is a new braille strip that can be used by

visually impaired Members. We will be issuing new voting cards when Members return from the August recess. The new cards will have a graphic of the Capitol Dome on the right top corner (as you are looking at the card) to distinguish them from the old cards. The old cards will not work in the new vote stations.

**Responses from the Sergeant at Arms to Questions from the Subcommittee on the Legislative Branch, Appropriations Committee**

**Responses to Questions from Chairman Yoder**

***Question: What is the status of the Garage Security Initiative and what is the timetable for full implementation?***

We are currently nearing the implementation of Garage Security in the Rayburn and Cannon.

The Cannon Garage screening location will be completed as part of Phase 1 of the Cannon HOB Renewal.

Garage Security for the Rayburn is tied to the Rayburn Garage Rehabilitation. Phase 1 of the Rehabilitation has been completed, which included the build out of two screening vestibules for screening. In Phase 2 of the Rehabilitation another screening vestibule will be built out for screening. The further Rehabilitation phases also include the build out of identified locations for screening vestibules.

Garage Security to date has been implemented in the Cannon and Longworth Underground Garages, and the Ford and O'Neill Garages.

We anticipate the full implementation of Garage Security during calendar year 2019. Full implementation is dependent on the hiring and training of USCP recruit classes to provide the necessary manpower for screening. Significant planning is underway to ensure a smooth transition to full implementation. Moreover, it may be possible to implement Garage Security in phases. Phased implementation, however, is dependent on a variety of different factors and coordination amongst stakeholders.

***Question: In recent years your office has increased its focus on security for district offices, you have made available mail hoods so offices can open and screen mail in a safer ay, you have started an enterprise-wide security system program, and you have established a Law Enforcement Coordinator Program to streamline communications with district office staff?***

***How are each of those initiatives going?***

The District Office Security Initiative has been successful. In August 2017, the Sergeant at Arms office created the District Security Service Center (“DSSC”) to manage and oversee the initiative. The Office of the Sergeant at Arms has dedicated 5 full time equivalent positions to serve as a liaison to district offices. Since its inception, the DSSC has conducted significant outreach to district office staff, including more than 10,000 documented interactions.

The first phase goal of the District Office Security Initiative was to provide each Member with a basic security system for their designated district office. To date, 260 Members have completed upgrades in one or more of their offices. Over 350 district offices have been upgraded through the initiative. The Office of the Sergeant at Arms currently pays the monthly monitoring fees for 475 district offices.

With respect to the Mail Hood program, 446 district offices have a mail hood. Since March 2018, the Office of the Sergeant at Arms office has contacted over 400 district offices providing reminders and instructions on the use of mail hoods to help facilitate their use.

The Law Enforcement Coordinator Program has been enhanced since the creation of the DSSC. The Office of the Sergeant at Arms is now able to communicate with the 855 current law enforcement coordinators concerning contemporary security tips, including outreach on suspicious letters and package, localized threats (e.g., the Austin package bombings).

***What are the next steps to further mature your district office security portfolio?***

The Office of the Sergeant at Arms plans to build on the success of the District Office Security Initiative. One goal is increasing participation to 100% of Members. Certain offices, due to vacancy or impending retirement, have elected not to participate in the program. Increasing participation to 100% can ensure that a standard and basic security system is available in each Member’s designated district office. The Office of the Sergeant at Arms also plans on increasing availability of training through either in person or online mechanisms (or both) for district office staff.

The Office of the Sergeant at Arms also plans to increase the availability of mail hoods by purchasing and providing more mail hoods to district offices. Mail hoods, however, need to be used to achieve their intended purpose. In the future and based on survey data, the Office of the Sergeant at Arms plans on increasing training opportunities and outreach to promote full use of mail hoods.

The Office of the Sergeant at Arms is currently planning potential new initiatives for the Law Enforcement Coordinator Program. These initiatives could include a voluntary certification program similar to that offered by the Office of the Sergeant at Arms for an Office Emergency Coordinator. The Office is also planning an update and review of the Law Enforcement Coordinator Handbook, which was originally printed in 2016, to recognize the changing threats environment. Finally, the Office is exploring ways to increase interaction with Law Enforcement Coordinators. One way to increase interaction could be a regularized newsletter.

***This upcoming Congressional Transition will be the first transition since the district office security initiative, what is your plan for all the security systems that will need to be moved?***

The Office of the Sergeant at Arms has worked closely with the primary security vendor (JCI) as well as staff from CAO Asset Management and has consulted with the Office of the Inspector General to identify the most cost effective method for Member transition.

As a result of this analysis, it has been determined that it is in the best financial interest of the House to abandon and dispose of **base** security equipment from a departing Member when feasible. The alternative is having the vendor remove, ship, test and reinstall the same equipment in the incoming Member's office. In most cases, this is more costly. In summary, the labor cost to perform these actions is often greater than the cost of purchasing new equipment. There are exceptions for higher cost equipment such as camera systems. The Office of the Sergeant at Arms will work with offices that own such equipment to ensure the House maintains possession and inventory controls.

#### **Responses to Questions from Mr. Newhouse**

**Question: Can you explain how you work with Tyco to ensure their recommendations are providing the highest level of security consistent with your recommendations not just an effort to make a larger sale?**

The Office of the Sergeant at Arms works to provide a baseline security package as part of the District Office Security Initiative. The baseline includes a duress and intrusion detection system (including wireless panic buttons, door contacts, and motion detectors), and a video intercom at the main entrance. When the vendor conducts a site survey, the vendor provides a description of system design and device placement for the Office of the Sergeant at Arms to review in

conjunction with the district office to determine appropriate coverage. In the event a quote includes an atypical amount of equipment, the vendor provides a justification.

The vendor can provide additional recommendations that go beyond what the Office of the Sergeant at Arms provides (e.g., the basic intrusion protection). One example is a camera surveillance system. Certain other recommendations may go beyond the intrusion and duress focus of the District Office Security Initiative (e.g., window film) and may not be provided by the vendor as part of their recommendations due to lack of expertise. Member offices may use their MRA to purchase these enhancements consistent with Committee on House Administration regulations.

To help ensure consistently high quality service by the vendor, Sergeant at Arms employees have attended vendor installs to observe, determine opportunities for improvement, and verify the reasonableness of the vendor's recommendations. The Office of the Sergeant at Arms anticipates such visits will continue and potentially expand into the future.

***Question: What efforts are you making to get those same resources to our district staffs?***

The Office of the Sergeant at Arms is working on increasing the resources available to district staff concerning security. The Office of the Sergeant at Arms operates a Law Enforcement Coordinator Program to provide information and training to individuals within district offices. This program may include webinars and in person training in the future. Moreover, the Office of the Sergeant at Arms is working with the United States Capitol Police to provide Security Awareness Briefings to district offices. These briefings are available upon request and can be done remotely via conference call or in person, dependent on the availability of resources. More than 75 Security Awareness Briefings have been completed in the past year.

[Prepared statements for the record follow:]

**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 2019 Appropriations**

Mr. Chairman and distinguished Members of the Subcommittee, thank you for the opportunity to present to you the fiscal year 2019 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 of Representatives. I appreciate the past and continuing support of the Members of the Subcommittee for the Office. The Office is continuing to fulfill its mission, now nearly 100 years old. In fact, February 24, 2019, is the 100<sup>th</sup> anniversary of the establishment of what was then the Legislative Drafting Service (section 1303 of the Revenue Act of 1918 (Ch. 18, 1141)).

**Mission**

The Office of the Legislative Counsel has provided continuous assistance in the preparation of legislation to the House of Representatives since 1919. We are charged by statute (2 U.S.C. 281a) 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 2019, I am requesting \$9,925,000 for salaries and expenses of the Office of the Legislative Counsel.

## Services

### Drafting

During 2017, the total number of documents prepared by the Office increased by more than 30 percent. The totals, broken out by type of document, are as follows:

	<u>Bills</u>	<u>Amendments</u>	<u>Resolutions</u>	<u>Total</u>
Individual requests	13,987	9,283	1,254	24,524
All versions of requests	49,224	20,364	3,693	73,281

We completed 24,524 final drafts in calendar year 2017, which is 7,174 more drafts than prepared in 2016, a 41% increase. Of that total, 13,987 were bills, 9,283 were amendments, and 1,254 were resolutions. For calendar year 2017, the average number of drafts per Member was 33. However, the Office generated 196 drafts for one Member, 134 for another Member, and 50 or more drafts for each of 94 different Members. When all versions of drafts are taken into account, the average number per Member is 94 versions, with 394 total versions for one Member. We continue preparing reported bills and their accompanying Ramseyers, maintain compilations of existing law and our compilation database, and generate compilations of many nonpositive laws. In addition, we began preparing Rules Committee Prints.

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, requiring 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 2017 figures are calculated, then the totals for 2017 rise to 73,281 versions, 49,224 of which were bills, 20,364 were amendments, and 3,693 were resolutions. This represents a 34% increase over all versions prepared in 2016.

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. A necessary precondition to achieving this goal is access to an up-to-date codification of Federal law. For this purpose, the Office has long relied on the positive law titles of the United States Code prepared and maintained by the Office of the Law Revision Counsel and on our internally maintained set of nonpositive law compilations.

Bills and amendments continue to be lengthy and complex. Many are the result of years of work. The Office participated in several major areas of work during 2017, as follows:

- Regulatory reform, immigration, firearms, and human trafficking.
- Major bills relating to veterans, including personnel laws, the appeals process, reform of the health care system, and asset and infrastructure review.
- Bankruptcy.
- Matters relating to the Farm bill, including the SNAP program.
- Our national security work included the following:
  - 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 the fiscal year 2018 NDAA, 1,097 amendments were prepared between May 15 and June 15, 2017, during the committee process and 440 floor amendments were filed at the Rules Committee. Many of these amendments went through multiple versions. The NDAA also included a significant acquisition reform measure that went through significant revisions during the legislative process before becoming law. The intelligence area included the FY17 Intelligence Authorization Act and FISA reauthorization, both of which required major attorney effort.
  - In homeland security, subject matters included security and preparedness with respect to various domestic systems, addressing external threats, and reform of management and acquisitions in the Department of Homeland Security.
  - In foreign affairs, areas addressed included matters relating to United States foreign affairs entities, international sanctions, and foreign assistance.
- Health care also commands a significant amount of resources of the Office, especially with recurring, unresolved issues relating to the Affordable Care Act.
- The Tax Cuts and Jobs Act, passed in December, culminated a long effort that required a significant amount of effort from many in the

Office, including amendments at the Rules Committee for a bill with a closed Rule.

- Among the areas worked on in education was HR 4508, which reauthorizes the Higher Education Act of 1965.
- Our transportation team worked on FAA reauthorization and reform, disaster relief, and Coast Guard reauthorization.
- Work with reauthorization of the FCC in the telecommunications area was substantial.
- Our work with the appropriations process, which is not operating in regular order, requires a substantial commitment of Office resources for a greater portion of the year than before. In particular, the number of amendments prepared for presenting at the Rules Committee consumed a significant part of the August recess at a time during which staff traditionally take annual vacations. The timing of this work has become increasingly difficult to predict due to ongoing unresolved appropriations matters.

#### **Reported Bills, Accompanying Comparative Prints, and Rules Process**

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 now also preparing comparative prints for the Rules Committee stage of the legislative process in compliance with House Rule XXI, clause 12. This too is new and additional.

For calendar year 2017, our Ramseyer team prepared 530 sets of report documents (including the reported bill and the Ramseyer) for bills reported to the House, which is a 28% increase over 2016. In addition, the Ramseyer team informally advised our attorneys on bills at many other stages of the legislative process, especially on documents prepared for the stage just before enrollment. The Ramseyer team also maintains the database of compilations of nonpositive law, which is a critical resource for drafting. Laws enacted in 2017 required updating 53 compilations to reflect the changes made to these nonpositive laws.

### **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 either requires that legislative language be turned around so quickly that we cannot process it through our normal system of attorney analysis and review or requests that we not perform our analysis and review. 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 attorney supervision and are searching for a better way to accommodate these kinds of requests.

### **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, preparing summaries or analyses of sections of bills, and preparing comparative prints. These tasks are more appropriately performed by other offices, such as the Congressional Research Service.

In addition, in order to maintain our impartiality, it has always been our policy not to prepare letters or memoranda explaining, defending, promoting, or justifying any particular legislative proposal.

### **Workload Fluctuation**

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, the Office uses structured teams organized on the basis of subject areas. These teams are supplemented by additional attorneys who volunteer to help with spikes in workload, especially with amendments for committee markup and the House floor. These volunteers

permit us to use those with the most expertise to work with the committees and leadership on both sides of the aisle.

In addition, we continue to contract with recently retired attorneys from the Office for work on an as-needed basis. These experienced attorneys are required to have no actual or potential conflicts of interest.

#### **Managing Deadlines**

The pace of the legislative process continues to be rapid. In particular, deadline situations in the context of Rules Committee and House floor schedules are increasingly making it impossible for our attorneys to adequately review proposed language or make a serious determination as to its legal effectiveness. In these circumstances, we at best are able to offer only formatting services, which at times results in a decreased quality of the work product. In addition, these deadlines frequently require night and weekend work. A byproduct of this way of working is decreased satisfaction with the work of the Office, both from attorneys in the Office and our clients outside of the Office.

In other contexts we receive requests for "formatting" or "rush" jobs. We respond to these requests to the extent we can, but we do give priority to those requests for which we can make a meaningful contribution to the final product. Consequently, formatting and rush jobs are often handled by our paralegal staff.

#### **Turnaround Time**

Members often ask how soon the Office can "turn around" their projects. There is no single answer to this question. Projects not requiring attorney involvement may be processed quickly, but the quality of the drafting will reflect the absence of value added by a skilled drafter. With a quick turnaround, there is 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 usually handling conference drafting requests first, floor amendments second, and committee projects third. Bills for introduction by individual Members are dealt with only after those higher priority projects are finished, and they are handled in the order in which we receive them. We 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**

The Office continues to participate in the development and implementation of information technology for use by personnel inside the Office as well as by Members, staff, and the public. An exciting development for us during 2017 is increased partnership with the Clerk of the House, and especially their office of Legislative Computer Systems, including in the development and implementation of software to implement House Rule XXI, clause 12. We are working with the Clerk on projects relating to the expanded use of second generation XML through the use of the USLM schema as part of the House Modernization Initiative.

### **Personnel**

#### **Staff**

Our existing authorized staffing level is 72. As of April 1, 2018, we have a staff of 63, allocated as follows:

- 46 attorneys, of whom 2 are primarily management and 4 of whom are in our training program.
- 5 clerks and paralegals.
- 4.5 comparative print and compilations staff.
- 3 information technology personnel.
- 1 office administrator.
- 1 human resources administrator.
- 2.5 front office support staff.

During the 115<sup>th</sup> Congress, we have had 4 senior attorneys retire and 4 non-senior attorneys leave their positions. We had 1 non-senior paralegal leave and 1 clerk leave. We have onboarded 4 attorneys, 1 clerk-paralegal, and 1 comparative print assistant.

We are onboarding 3 attorneys on April 16 of this year and expect to bring 3 recently graduated attorneys on board in the late summer. In addition, we expect to have 5 law students with us later this spring and during the summer as 2018 summer associates.

Our need to continue hiring personnel is an ongoing, important one. In spite of our recent hiring successes, we have not kept up with employee departures. Today, we are understaffed for our mission.

### **Recruitment, Training, and Retention of Attorneys**

Recruiting and retaining well-qualified attorneys is becoming exceptionally difficult. The high salary levels in private practice create a huge disparity between private-practice salaries and those of Government lawyers, and housing costs in the Washington metropolitan area are also high. The salary cap has been frozen since 2009 while the inflation rate during that period is greater than 16%, resulting in an inflation adjusted salary reduction at the cap in 2018 of more than \$25,000. Indeed, this salary reduction was an important factor in one recent departure. On the positive side, the House student loan repayment program has been very helpful to us in our recruitment efforts. Overall, however, the recent Federal budgetary uncertainties, and the possibilities of indefinite salary freezes and reductions in benefits may be discouraging the best of the law student pool from considering working in the Office. We are also concerned about our continued ability to retain new and particularly midlevel attorneys in the current environment given the years we invest in training each new attorney. Indeed, we have lost 5 junior attorneys in the 114–115<sup>th</sup> Congresses. The ability to provide regular, predictable merit raises for the extraordinary work performed by the attorneys in the 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.

Training a drafter is a multi-year process. Our basic tutorial program generally requires two years under close supervision by an experienced attorney. During the tutorial, the new attorney progresses through increasingly more difficult and complex legislative requests and learns not only basic drafting but client-relation skills and House procedure. The new attorney is then graduated into mentorship on one or more subject matter teams and remains in mentorship for at least an additional year. For complex areas such as Medicare, Medicaid, and tax, the mentorship will be

considerably longer. It is estimated that it takes about seven years to attain general drafting competency.

We believe that generally 55 trained, 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. We have 13 senior attorneys in the Office who have been with the Office for more than 20 years: of these, 9 have been with the Office for more than 30 years, and 3 for more than 40 years. In order to plan for the 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 have a similar situation with our clerk-paralegal staff. Our senior clerk-paralegal has more than 30 years of experience, 2 have between 10 and 20 years of experience, and 1 began last fall. We believe that we need to add 5 more clerk-paralegals to work appropriately with our attorneys.

The additions of both attorneys and clerk-paralegals will require additional space.

### **Nonpersonnel Expenditures**

The major nonpersonnel expenditures for the 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.

### **Collaboration With Other Offices**

The Office collaborates with many other offices to accomplish the work of the House, including with the Office of the Law Revision Counsel, the

Clerk of the House, the Government Publishing Office, Congress.gov, the Secretary of the Senate, and the Office of the Senate Legislative Counsel. We are working with House Information Resources as it moves to MS Office 365 and its suite of collaborative software tools. In addition, we are continuing to work with the management advisory staff of the Office of the Inspector General to streamline our back office processes and our office structure generally.

### **Conclusion**

Thank you for the support this Subcommittee has given the 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 am 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 the 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 4.5 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, the 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 Senate Secretary's Office and the Office of the Legislative Counsel of the Senate. We publish the compilations of major laws that we prepare on the 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 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 work in virtually all amendment circumstances.

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.

437

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

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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 2019. Our Office appreciates the continuing support given to us by the Subcommittee and Congress.

***Budget Request***

For fiscal year 2019, I am requesting \$3,327,000 for the Office to sustain operations with respect to existing personnel and ongoing technology needs.

**Continuing Operations.**--The amount of \$3,327,000 represents a 3.68 percent increase over the amount appropriated by the Consolidated Appropriations Act, 2018, Public Law 115-141. 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 2019 budget, the replacement of the antiquated technology currently used for publishing is a priority. The Office continues to work with the Office of the Clerk and with the Composition System Replacement Group of the Government Publishing Office (GPO), supporting their efforts to develop the ability to maintain congressional data in United States Legislative Markup (USLM) and publish directly from USLM files, both online and in print.

***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 publishes the Code, in both searchable and downloadable versions, on its public website and updates it continuously throughout the legislative year. The Office also publishes, in printed form, a complete new version of the Code once every six years and annual cumulative supplements in the intervening years. Publication of the complete Code is always a significant undertaking, and the next complete version is scheduled to be published in 2019.

*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 steadily improved 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 streamline its editorial practices to tailor them for an online publication that is continuously updated throughout a congressional session. The Office updated the Code online 36 times during the First Session of the 115th Congress. 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, which have traditionally been published at the end of each congressional session, are soon anticipated to be

published online each time the Code is updated. The Office continues to strive for improvements in timeliness through innovative editorial practices that take advantage of emerging technological possibilities. These enhancements have been made possible through the Committee's ongoing support combined with the determined efforts of the Office's professional staff.

**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 in the Code relating to congressional officers and employees in title 2; relating to national security in title 50, which included the elimination of obsolete laws in the former Appendix to title 50; relating to crime control and law enforcement, which resulted in the creation of a new editorial title 34; and relating to voting and elections, which resulted in the creation of a new editorial title 52. In addition, selected laws relating to agriculture in title 7, Indians in title 25, and public lands in title 43 have been reorganized and particular chapters of those titles streamlined. 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. More detailed information on these projects is available at <http://uscode.house.gov/editorialreclassification/rcclassification.html>.

Over the past decades, these areas of law had become overgrown, confusing, and difficult to navigate and convert into XML. Significant work has been 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.

#### *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. There is an extensive period for comment and review as the draft bill is prepared and submitted to the House Committee on the Judiciary. Congressional committees, Government agencies, legal experts, and members of the public are invited to review and comment on the bill to ensure that the meaning and effect of the law as restated in the new title remains unchanged and to achieve the best possible organizational structure for the new title.

If revisions are required after the bill is introduced in the House, the codification attorneys prepare the necessary amendments. The codification attorneys may prepare a new version of the draft bill, which is then reported by the Committee on the Judiciary as an

amendment in the nature of a substitute. Typically, 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.

As of April 2018, the Office has submitted to the Committee on the Judiciary sixteen bills for introduction in the 115th Congress. Many of the bills are updated versions of bills previously submitted to the Committee, but not enacted, in the 114th and prior Congresses. Nine of the bills submitted to the Committee are codification bills. Information on the codification bills is available at <http://uscode.house.gov/codification/legislation.shtml>. The other seven bills submitted to the Committee are bills to update statutory references. Information on those bills, which have been introduced in the House, 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 2019 budget, 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 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 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 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 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 continues to work with the Office of the Clerk and with GPO's Composition System Replacement Group, supporting their efforts to develop the ability to maintain congressional data in USLM and publish directly from USLM files, both online and in print.

#### *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. When the House Modernization Project has been completed and the Office has acquired the ability to maintain and produce Code data in XML, the website will again be upgraded to provide related improvements to users.

#### *Conclusion*

Thank you for giving me the opportunity to present the fiscal year 2019 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 2019 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 2019 (“FY’19”) budget request of the Office of General Counsel (“OGC”). For FY’19, OGC requests \$1,502,000 – \$1,326,000 for personnel costs and \$176,000 for non-personnel costs. OGC’s FY’19 budget request represents an increase of \$10,000 (0.67%) over OGC’s FY’18 enacted funds of \$1,492,000. A justification of the requested increase over the amount of FY’18 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 been substantial in recent years, as has the number of complex and high-profile legal matters the office has been asked to handle.

**Justification for the Increase**

At full staffing levels, OGC is composed of the General Counsel and five senior attorneys with extensive legal experience, together with a staff attorney, two law clerks, an office administrator, and a legal assistant.

The requested \$10,000 increase in the budget for FY'19 relative to enacted funds for FY'18 is attributable to a \$46,000 increase in non-personnel expenditures (offset in substantial part by a \$36,000 reduction in projected personnel costs). The increase in non-personnel expenditures reflects growth in historical costs for subscription and printing expenses, software and equipment purchases, and outside IT support to assist the office with ongoing operations, including enhanced software and hardware capabilities intended to provide improved efficiencies and capabilities for addressing the increased burden of document review and production activities engaged in by the office. This increase in non-personnel expenditures is expected to provide enhanced operational efficiencies, and accordingly it is largely offset by a projected reduction in personnel expenditures resulting from filling a senior-attorney position with a legal assistant at a lower salary.

The FY 2019 budget request also includes funds for meritorious increases required to maintain salary levels sufficient to retain highly qualified senior attorneys (associate and assistant general counsels) who handle the bulk of OGC's workload.

Based on the proposed funding level, OGC expects to be able to continue providing the same level of effective service it currently provides. In past years, expenditures for outside counsel have often 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. At present, the office does not anticipate the need for such expenditures in FY'19, but of course it is difficult to predict the extent of litigation demands in future years with any degree of accuracy.

I would be happy to respond to any questions the Subcommittee might have. Thank you for your consideration.

Statement of Michael T. Ptasienski, Inspector General  
Office of Inspector General  
U.S. House of Representatives  
Washington, DC  
April 25, 2018

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Before the House Subcommittee on Legislative Branch Appropriations

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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 103<sup>rd</sup> 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 worked 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. The OIG provides traditional audit services, as well as proactive analysis and guidance for 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) 2019 budget request to adequately fund the OIG's essential mission and it is consistent with our history of fiscal stewardship; demonstrated by our strategic budget reductions in previous years to meet House budget expectations and goals. We have internally absorbed mandatory Cost of Living Allowances each year from FY2014 through FY2018. As a result, the OIG's FY2019 budget request is only 1.5 percent more than our FY2009 appropriation. Our fiscal stewardship is also evident in our cost-cutting measures, negotiated pricing, and proactive release of funds for reprogramming when our operational and mission funding exceeds our actual spending.

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. 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) positions. Our staff are experienced and dedicated professionals, all of whom possess a bachelor's or advanced degree, one or more relevant professional certifications, and extensive public or private sector work experience. Currently, the OIG has eight ongoing audits and advisories in various stages of completion.

HIGHLIGHTS OF THE OIG'S WORK  
DURING THE 115<sup>TH</sup> CONGRESS

The Office of Inspector General's (OIG) objective, value-added reviews focused on improving the House's financial management, administrative processes, workplace safety and security, the security of House data, and the information technology infrastructure. To-date, the OIG has issued fifteen reports during the 115<sup>th</sup> Congress, which spanned the diverse range of services the OIG offers including financial, performance, and information systems auditing services; and management advisory services. We also have three additional reports pending issuance upon approval from the Committee on House Administration.

**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 FY1998 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 generally accepted accounting principles. The most recent Financial Statement Audit report, for FY2016, was published in June 2017. The external auditors reported two repeat significant deficiencies related to ineffective controls over information technology and property and equipment. Additionally, they reported a new significant deficiency related to insufficient governance and oversight of Management's Internal Control Program activities. The auditors identified no instances of non-compliance with applicable laws and regulations.

**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 115<sup>th</sup> Congress, we performed audits to review the House retirement processes, reviewed the CAO's oversight processes for the Master Technology Services contract, performed an audit of the House Recording Studio, and evaluated the consolidated billing and recurring payment processes of the House.

**Information Systems Auditing Services.** Information systems 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 115<sup>th</sup> Congress, we audited the controls over remote access to the House network. 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.

**Management Advisory Services.** While audits look at past performance and conditions, there is also 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. During the 115<sup>th</sup> Congress to-date, we examined the quality assurance processes for payment of vouchers, completed two interim reviews of the House Asset Management program reviewed CAO furnishings and logistics processes, assessed organizational change management in the Peoplesoft 9.2 and Lawson system upgrades and examined overlapping services performed by the CAO and AOC

**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 115<sup>th</sup> 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.

### CONTINUED FOCUS FOR THE 115<sup>TH</sup> CONGRESS

A number of important challenges face the House during the 115<sup>th</sup> 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. At the direction of the Committee on House Administration, and in collaboration with the House Officers, the OIG has been revamping the audit planning process. This work will help ensure better communication and coordination with the House Officers and Committee on House Administration and result in a very focused, risk-based audit plan that centers on critical aspects of the House financial operations, legislative operations, and the security of life and property.

We 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 2019 BUDGET REQUEST

The OIG's FY2019 budget request calls for total funding of \$5,019,000. The FY2019 budget request is 1.03 percent above the *Consolidated Appropriations Act, 2018* (per PL 115-141).

This amount includes \$3.769 million in mandatory items associated with current staff, price level increases of \$18 thousand using the prescribed inflation factor, a decrease of \$15 thousand due to program changes, and \$1.247 million for non-personnel expenses, which includes contract funding for the annual audit of the House financial statements by an external CPA firm; software licensing and support agreements; relevant publications, resources, and guidance 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.

Our budget request also includes decreases in both the audit and general operations programs' budgets, where we were able to negotiate more advantageous pricing and achieve cost-savings through leveraging House-wide licenses. Additional budget reductions were realized through application of zero-based budgeting for the three OIG programs to determine actual recurring program needs and make realistic estimates for program execution.

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 FY2019 budget request. Our office 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 honored to be of service to the House in this way. I would be happy to answer any questions you may have.

[Open World Leadership Center  
statement for the record follows:]

**Testimony of Ms. Jane Sargus  
Executive Director, Open World Leadership Center  
United States House of Representatives  
Appropriations Subcommittee on Legislative Branch**

Chairman Yoder, Ranking Member Ryan, and Members of the Subcommittee, thank you for the opportunity to provide written testimony on one of the most effective American exchange programs for countries in transition, the Open World Leadership Center.

**A Resource:** The Open World program stands as a unique resource for Congress. By linking rising leaders and key decision makers from Eurasia to Members of Congress, our delegates can convey both facts and context that help inform members. For example, in 2017, Ukrainian parliamentarians, representing four parties and all united as “Euro-optimists,” painted the current political atmosphere for the 16 members they met. Topics discussed touched on the challenges of fighting corruption, consequences of the war in Eastern Ukraine, the need for United States leadership to unify European and U.S. policy, and the information war with Russia. Multiply that series of conversations by the over 800 delegates that have met with Members, staff and your constituents, you can see that the Open World program provides unfiltered insights from rising leaders who are fully engaged in the political, economic, educational and other facets of their country’s development. Over 80% of our participants have met with Members or staff.

**An Asset:** While you might not at first think about the asset side of the balance sheet, we have 27,000 alumni in strategically important countries. Ambassador John Tefft, who recently finished his time as our Ambassador to the Russian Federation, noted that in his travels throughout this vast territory, it is Open World alumni that are more open to meeting with and talking to him. In a country of managed news, our nearly 20,000 alumni in all 83 regions of the Russian Federation carry a far different and more positive view of the United States despite the Russian media’s efforts to demonize us. And they have friends and a wide reach through social networks. Finally, the Open World program directly benefits your constituents. In 2017, the program placed delegations of young professionals in 47 states and 205 Congressional districts.

**An Investment:** As an investment, we are hard to beat. Our overhead runs consistently at or below 7%; our cost per participant is less than half that of similar Executive Branch programs; and our responsiveness to Congressional initiatives is quick and effective. For example, one Member believed we needed to focus more on legislators. Our Board agreed and the next year, we set an objective of 20% of participants coming from legislative bodies. We met that goal by bringing over 100 legislators and staff by the end of the year.

**Why Legislative Branch:** Our placement in the Legislative Branch allows us to engage people of influence from more closed countries who would otherwise avoid an Executive Branch program. A question that I hear every so often is, “Why is the Open World Leadership Center in the Legislative Branch?” The most compelling answer is simply that the placement in the

Legislative Branch 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. What better way to support Congress than by working in countries that do not have a tradition of open debate or legitimate opportunities to propose alternatives for government to take, than by making the citizenry more knowledgeable about the legislative process that will empower them to be a force for change?

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. One expert wrote on Facebook that publishing his article was a “result of the recent trip to D.C. and a milestone in my career.” During the Open World program in Washington, DC, this delegate visited numerous high level think tanks and policy makers. In a joint statement the six delegates had this to say about their Open World program: “Open World appealed to the members of our delegation by being nonpartisan, politically neutral, and outside of executive branch politics. The program fosters a free, open, deep and meaningful exchange of ideas between peers.”

Equally important, our Board, the majority made up of Members of Congress, provides direction and calls on us for full accountability. That solid guidance allows us to be creative, cost conscious, and able to explore themes that more staid, convention-bound programs shy away from.

**The Geo-Political Challenge:** 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 Open World program brings emerging national and regional 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 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 that positive impression 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. Like a tide, their influence is steady, persistent, and mostly unstoppable.

**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 four 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 Serbia and Kosovo. 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. The Committee and Congress 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. Mr. Navalny was hosted in Dallas, Texas on the Local Governance theme and went on to create a strong and active movement against abuse of power and corruption. Mr. 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 helps advance democracy and U.S. values worldwide. With Congress’s support, Open World is a strategic long-term investment in our security 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 persistent dedication to our 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 27,000-strong alumni community are active in their communities, regions, and often at the center of government. They are a valuable resource to our diplomatic missions abroad. The positive 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 an effective message about America.

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 a direct 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 as it faces Russian interference in the East and South.

The Open World program also focuses on the institutional development of civil society and promotion of economic reform. The subthemes of the program aim at fighting corruption, promoting transparency and accountability in governance, furthering decentralization of power, and improving the business climate to grow the economy and enhance trade capacity, particularly as it relates to the agricultural and energy sectors.

Our more than 3,200 outstanding alumni now serve in leadership positions throughout the country. In 2017, Open World's 239 Ukrainians were hosted in 40 U.S. communities in 30 states, providing them with broad exposure to American democratic and free-market institutions. As part of these 40 programs, ten aimed to not only assist Ukraine during these trying times, but also to further existing partnerships to support long-term sustainability. Open World's 2017 programming included Ukrainians from all of Ukraine's current 25 regions (not counting the two regions in Crimea). Open World alumni work on legal reform, media fact checking, supporting victims of war, and furthering reforms in education and health.

To exemplify some programmatic results:

Open World is supporting our parliamentary alumni and others in the legal field to move actual judicial reform forward. Through 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), we create intense U.S. programs for Ukrainian professionals that draws 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 partnership with Members of Congress and state legislators.

In summary, your investment in Open World brings returns every single day, from delegations talking with you and being hosted by families in your districts, to alumni helping our embassies abroad work effectively.

## WITNESSES

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	Page
Adler, P. S .....	206
Ayers, S. T .....	59
Baker, G. R .....	206
Braddock, R. L .....	1
Cherubini, Timothy .....	206
Dodaro, G. L .....	275
Feinstein, Samantha .....	100
Feltren, Emily .....	206
Goldman, Joe .....	209
Graves, Zach .....	173
Green, Lyle .....	27
Grundmann, S. T .....	215
Haas, K. L .....	365
Hall, Keith .....	253
Hayden, C. D .....	325
Hoehner, C. A .....	197
Hultgren, Hon. Randy .....	92
Irving, P. D .....	365
Jackson, Herb .....	27
Kiko, P. G .....	365
Kosar, Kevin .....	123
Kromer, Kathi .....	204
Krumholz, Sheila .....	148
Kupferschmid, Keith .....	192
Lambert, Greg .....	123
Lordan, Tim .....	173
Mazanec, M. B .....	325
McClanahan, Kel .....	100
McGovern, Hon. James P .....	92
Newhouse, Hon. Dan .....	324
Pare, John .....	123
Rosen, Hon. Jacky .....	190
Sargus, Jane .....	450
Schuman, Daniel .....	148
Sherman, A. M .....	27
Smithberger, Mandy .....	100
Sund, S. A .....	1
Sweeney, Mark .....	325
Takano, Hon. Mark .....	87
Tauberer, Josh .....	148
Temple, K. A .....	325
Verderosa, M. R .....	1



# INDEX

## United States Capitol Police

	Page
Ammunition and Weapons Replacement Budget .....	21
Event Security .....	13
Increases in Overtime .....	23
Metro Safety, K-9 Budget and Retirement Waiver .....	16
Opening Remarks of Chairman Yoder .....	1
Opening Remarks of Ranking Member Ryan .....	12
Opening Statement of Chief Matthew R. Verderosa .....	3
Partnerships with Local Law Enforcement .....	14
Prescreening Strategy .....	25
Retirement Age Waiver .....	12
Safety Measures at District Offices .....	18
Screening Technology Advancements .....	15
Testimony of Chief Matthew R. Verderosa .....	5
Training, Backfilling Attrition and Retirement .....	20

## Government Publishing Office

Building Space at GPO .....	45
Changes to Title 44 .....	44
GPO and Passports .....	47
GPO's Budget Request .....	27
GPO's Data Centers .....	46
GPO's Online Information System .....	48
Impact on Transparency .....	44
Modernization of the GPO .....	43

## Architect of the Capitol (AOC)

Cannon House Office Building Renewal .....	67
Capitol Visitor Center Tunnel Repair .....	73
Chairman Remarks .....	59
Child Care Center .....	67
Cyber Security .....	70
Elevator Signage .....	74
Energy Reduction .....	69
House Historic Buildings Revitalization Trust Fund .....	75
House Recycling Program.....	71, 77
Lead in Water Testing .....	74
Legislative Language .....	71
Members Representational Allowances .....	73
Parking .....	69
Prepared Statement of Stephen T. Ayers .....	62
Questions for the Record .....	79

	Page
Questions for the Record—Continued	
AOC/CAO Service Consolidation .....	82
Baby Changing Stations .....	82
Child Care Center .....	79
Congressional Accountability Act Settlements .....	80
Data Center .....	81
Energy and Sustainability Program .....	83
O'Neill Building .....	85
Rayburn Garage Renovation .....	85
Restoration and Renovation of the Cannon House Office Building .....	84
Tree Accident .....	79
Victory Gardens .....	83
Ranking Member Remarks .....	60
Summary Statement of Stephen T. Ayers .....	60
Tour of U.S. Capitol Grounds .....	78
Tree Management .....	77
<b>Office of Compliance</b>	
ADA Inspections of Member Offices .....	233
Attorney Need .....	232
Case File Security .....	240
Confidentiality and Informing Members of Staff Conduct .....	241
Confidentiality and Statute .....	233
I.T. Needs .....	231
Library of Congress Costs .....	232
Library Visitor Safety .....	238
Opening Statement .....	216
OSH Recommendations .....	238
Questions for the Record .....	247
Reform Implementation and Transition .....	236
Settlement Payments .....	236
Training .....	230
Training Demands .....	240
Training Development .....	239
Travel .....	231
Witness .....	215
Workplace Climate .....	229
Workplace Rights Poster .....	231
<b>Congressional Budget Office</b>	
Impacts of HealthCare Prevention .....	266
Outlook of Economic Forecasts .....	267
Prioritization of Cost Estimates .....	264
Questions for the Record .....	272
Scoring on Preventative Healthcare Bills .....	269
Statement of Chairman Yoder & Ranking Member Ryan .....	253
Statement of Dr. Keith Hall, Director (CBO) .....	254
The Prepared Statement .....	257
<b>U.S. Government Accountability Office</b>	
Accomplishments .....	277
Cyber Security .....	321
Disaster Assistance .....	320
Duplication and Cost Savings .....	318

	Page
Electronic Docketing Protest System .....	314
GAO Testimony—Fiscal Year 2019 Budget Request .....	278
Healthcare .....	311
High Risk List .....	315
INTEL .....	310
Medicare and Medicaid .....	307
Opening .....	275
Opening Statement .....	276
Questions for the Record .....	313
Statement Continued .....	305
Statement from Congressman Newhouse .....	324
Technology Assessment .....	311
Technology Assessment .....	313
Veterans Affairs .....	308
Work Initiated by the Comptroller General .....	313

#### Library of Congress

Accessible Collections .....	353
Chairman Yoder’s Closing Remarks .....	359
Congressional Dialogue .....	348
Congressional Dinner Appreciation .....	352
Copyright Mandatory Deposit Rulemaking Proposal .....	349
Copyright Office:	
Copyright IT Modernization .....	357
Copyright Processing Time .....	357
Cross-Referencing Terminology .....	352
Congressional Research Service:	
CRS Inquiries .....	354
CRS Workforce .....	354
Congressional Research Service Workforce .....	350
Progress on Making CRS Reports Public .....	355
Funding Impacts .....	347
Hands-on History .....	349
Increasing Access .....	354
Library’s Young Readers Room .....	348
National Library Service’s E-Reader Program .....	356
Opening Statements:	
Chairman Yoder .....	325
Ranking Member Ryan .....	325
Librarian of Congress .....	326
Questions for the Record from Chairman Yoder:	
Visitor Experience .....	360
Civil Society .....	361
CRS Reports .....	362
GAO Recommendations .....	362
Primary Computing Facility .....	362
E-Reader Investment .....	363
Subject Headings .....	351
Visitor’s Experience .....	346
Visitor’s Experience Timeline .....	347
Visitor’s Experience Clarification for the Record .....	347
Written Statements:	
Librarian of Congress .....	329
Director, Congressional Research Service .....	333
Acting Register of Copyrights .....	338

	Page
<b>U.S. House of Representatives</b>	
Central Calendar .....	405
Chairman Outlines Proceedings .....	366
Chairman's Closing Remarks .....	409
Chief Administrative Officer Abbreviated Testimony .....	387
Chief Administrative Officer FY19 Budget Request .....	387
Chief Administrative Officer Initiatives .....	387
Chief Administrative Officer Strategic Plan .....	388
Clerk of the House Abbreviated Testimony .....	366
Clerk Projects and Programs .....	366
Customer Experience Center .....	388
Cybersecurity .....	388
District Office Security .....	404
Enhancing Security Measures .....	379
Garage Security Initiative .....	401
House Childcare Center .....	403
House Childcare Center Parking .....	403
House Floor Voting System .....	408
House Food Services .....	402
Opening Statement of Hon. Kevin Yoder, Chairman .....	365
Opening Statement of Hon. Tim Ryan, Ranking Member .....	366
Posey Rule .....	401
Prepared Statements for the Record .....	424
Questions for the Chief Administrative Officer .....	410
Questions for the Clerk .....	417
Questions for the Sergeant at Arms .....	420
Reducing Food Waste .....	403
Security at Multi-Member Events .....	404
Security Initiatives and Projects .....	379
Security Screening .....	405
Sergeant at Arms Abbreviated Testimony .....	379
Statement of E. Wade Ballou, Jr., Legislative Counsel, U.S. House of Representatives .....	425
Statement of Hon. Karen Haas, Clerk, U.S. House of Representatives .....	368
Statement of Hon. Paul Irving, Sergeant at Arms, U.S. House of Representatives .....	381
Statement of Hon. Philip Kiko, Chief Administrative Officer, U.S. House of Representatives .....	389
Statement of Michael Ptasienski, Inspector General, U.S. House of Representatives .....	445
Statement of Ralph Seep, Law Revision Counsel, U.S. House of Representatives .....	437
Statement of Thomas Hungar, General Counsel, U.S. House of Representatives .....	442